the weekly standard

MARCH 18, 2002 / $3.95

WHO WAS KENNETH STARR? DAVID TELL

Simon Says... Surprise!

STEPHEN F. HAYES on Bill Simon's upset victory in California

PLUS

Losing the Middle East?
BY REUEL MARC GERECHT

Sheikh Gilani's American Disciples
BY MIRA L. BOLAND

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PIRATES OF THE INFORMATION AGE

The word pirate conjures up images of swashbuckling adventurers on the high seas, plundering the unlucky and burying chests of stolen treasure in secret locations. But in today's Information Age, pirate has taken on a new but equally nefarious meaning. Using sophisticated manufacturing operations and networks around the globe, the treasure that today's pirates steal and sell is counterfeit software, not pieces of eight.

The scale of the problem is alarming: worldwide, software companies lose nearly $12 billion in revenue each year from software piracy. Nearly 40 percent of the software used throughout the world has been copied illegally; and in certain regions, the piracy rate exceeds 80 percent. Even in the United States, which boasts a high level of intellectual property protection, one out of every four copies of software has been pirated.

Globally, the failure to treat software theft as a serious crime is largely due to the misperception that intellectual property crime is a victimless crime. In reality, intellectual property crime has many repercussions:

- **Lost Jobs and Tax Revenue:** Software theft robs the U.S. economy of more than 118,000 jobs, $5.6 billion in wages and more than $1.5 billion in tax revenue each year.
- **Consumer Fraud:** Counterfeit software is often indistinguishable from the genuine product, and marketed to unsuspecting consumers, businesses and even government agencies that would never knowingly purchase illegal software. The problem is compounded by counterfeit software that can infect PCs with dangerous viruses and cause computers to malfunction.
- **Organized Crime:** Software counterfeiting operations are controlled at the highest level by sophisticated criminals who rely on an organized, global network of manufacturers and distributors to produce and market massive volumes of counterfeit software CD-ROMs. Strong evidence suggests that software counterfeiting has become part of an intricate web of organized crime with links to gangs and drug cartels. These criminal networks commit a host of other crimes to protect their operations—money laundering, corruption and violence—which impose a heavy cost on society.

Software piracy also stifles business innovation. Inventors such as Alexander Graham Bell, Thomas Edison and Henry Ford all followed the same business model as today's software makers. The patents they held protected their ideas, enabling them to build products for consumers and to support the development of subsequent innovations.

The good news is that there are promising initiatives underway to address software and other forms of intellectual property theft. Microsoft is among many industry leaders who are making significant investments in new copy-protection technologies and security features.

The innovation in this area is impressive: new technologies, augmented by industry standards, promise to enhance protection in ways that will significantly hinder criminals without burdening honest consumers.

Some believe government-legislated standards for copy protection are the way to go, but such a course could actually slow the development of new solutions designed to protect consumers from pirated goods and hackers.

There clearly is a need, however, for government and industry to work together to fight the piracy problem. The White House is including piracy enforcement in trade negotiations with foreign countries. Law enforcement agencies, working in partnership with the high-tech industry, are becoming more aggressive and sophisticated in their efforts to curb software theft. Microsoft and other software companies are undertaking worldwide education campaigns to help businesses and consumers recognize counterfeit software.

Given the presence of organized crime and the international scope of counterfeiting operations, there is a crucial need to treat counterfeiting as a global law enforcement priority which requires stronger anticounterfeiting laws, multilateral cooperation, sustained resources and industry cooperation. Without this, counterfeiters will continue to threaten our economic prosperity and harm consumers who unwittingly use illegal and unsafe software.

One in a series of essays on technology and society. More information is available at microsoft.com/issues.

Microsoft

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Appalling Rall

Don't feel bad if you've never heard of Ted Rall. Though his cartoons are peddled by the Universal Press Syndicate, Rall's bitter anti-Americanism hardly makes for knee-slappers, and the market for unfunny cartoons isn't all that great. The Rall market should shrink even further as word spreads about his latest effort. Calling it a lapse of taste doesn't begin to capture the sociopathic quality of his Feb. 28 cartoon—a six-panel display of deranged misogyny.

Perhaps tired of beating up on President Bush, Rall decided instead to ridicule "terror widows"—his term for the women who lost their husbands on Sept. 11—for being interviewed on TV. What really seems to have set him off was seeing Daniel Pearl's pregnant wife plead for the life of her husband. Most people were moved to tears; Rall was moved to mockery. How else to explain this panel in his cartoon? "Of *course* it's a bummer that they slashed my husband's *throat*—but the worst was having to watch the Olympics alone!" The rest of the panels are scarcely less obscene.

You might have seen the "cartoon" in question if you happened to read the online edition of the *New York Times* last week, before a vigilance committee of bloggers rode to the rescue of Rall's victims, and the *Times* sensibly removed the thing. You can still see all of it, if you're feeling masochistic, by browsing to *images.ucomics.com/comics/tr/2002/tr020304.gif.* (The *Times* says it removed the car-

toon after local reporters complained. "We thought the subject matter was inappropriate," a spokeswoman told the *Daily News*.)

Given his pathological meanspiritedness, Rall finds himself in the curious position, as Andrew Sullivan noted last week, of suing a fellow cartoonist for being mean to him. The Rall lawsuit was filed after a practical joke played by Danny Hellman in 1999. It all started when Rall published a story in the *Village Voice*, complaining that up-and-coming cartoonists had to pay undue obeisance to Art Spiegelman, the renowned cartoonist and winner of the Pulitzer Prize.

Hellman thought Rall's complaints were petty and drew a cartoon depicting Rall as a dog urinating on a statue of Spiegelman. Then Hellman sent a fake e-mail to about 30 friends, as well as to Rall, claiming to be Ted Rall himself and saying he had set up a website for struggling cartoonists to vent their anger over Art Spiegelman. Hellman also published fake e-mail responses, all humiliating Rall.

On the malice-o-meter, this strikes us as registering substantially below the ridicule of war widows. But like many people who dish it out, Rall couldn't take it.

After two days, he sicced his lawyers on Hellman for $1.5 million in damages—for libel, injurious falsehood invasion of privacy, and, yes, intentional infliction of emotional distress.

We suspect once they see Rall's cartoon, lots more people might be wanting to make a contribution to the Danny Hellman legal defense fund. Details of his case can be found at *www.speranzastudios.com/freedirtydanny/*. ♦

Give Her the Silver Boot!

Poor Ann Richards. She just can't help it. She's a bitter old Texas Democrat and professional Bush-hater who hasn't kept up with the times.

Speaking at a recent Drama League gala in New York honoring gossip columnist Liz Smith, the former governor of the Lone Star State couldn't resist getting in a few jabs at the president. According to the *New York Post*, Richards said, "They don't know how to count votes in Florida," and "Enron is running the Bush administration's energy policy."

Richards was perhaps unaware that major events had taken place in New York since the Florida recount, and that she probably needed to calibrate her remarks accordingly.

If you recall, back in 1988 at the Democratic National Convention in Atlanta, Richards had ridiculed Bush *père* as follows: "For eight straight years George Bush hasn't displayed the slightest interest in anything we

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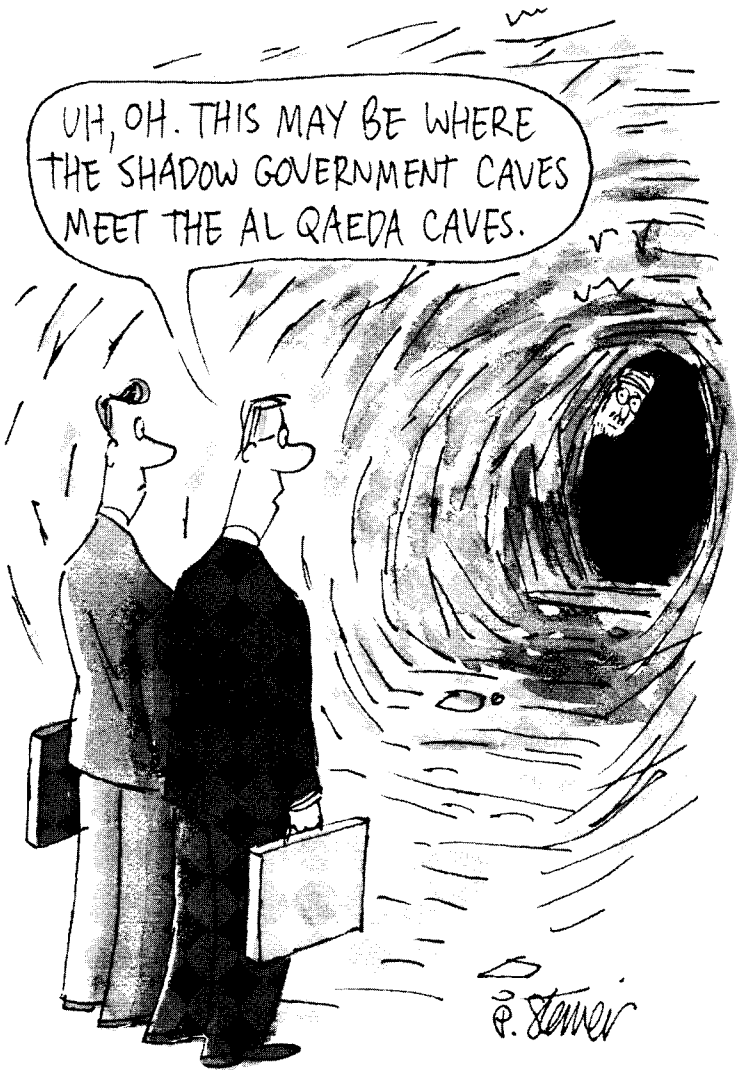

care about, [but now that] he's after a job he can't get appointed to, he's like Columbus discovering America—he's found child care, he's found education. . . . Poor George, he can't help it—he was born with a silver foot in his mouth."

It was a convoluted metaphor, but she had them at "poor George." Her audience lapped it up as a bravura display of wit. No more. At the recent gala, Richards's hackneyed partisan cracks about Enron drew boos from the assembled New Yorkers. So negative was the reaction, Richards turned to Liz Smith and said, "I didn't know you had so many Republican friends."

It's not that they're all Republican. They just know a tired routine when they hear one. ♦

Those Devious Republicans

Bill Press, the thinking man's James Carville, is like a lot of Democrats these days. Whatever the Bush administration is up to, he's pretty sure it's a partisan plot. Thus his peculiar spin on the administration's contingency planning to assure the continuity of government in case of catastrophic attack on Washington:

"If we weren't so gullible now," the CNN talking head wrote in his syndicated column last week, "we would see Bush's bunker plan for what it really is. It has nothing to do with national security. It is all about politics. Like John Ashcroft's monthly terrorist alerts, it's all part of the White House attempts to scare the public, keep the focus on the war and enable Dubya to keep his favorable ratings high by playing commander in chief." Yeah, right. That must be why they kept it secret. ♦

The Courage of Heather Locklear

More than a few eyebrows must have been raised when Heather Locklear was overheard badmouthing the president last week on the *Tonight Show with Jay Leno*. "He's a scumbag," said the vixen of *Spin City* and formerly of *Melrose Place* (and really formerly of *T.J. Hooker*). But Locklear was quick to clarify: She was talking about President Josiah Bartlet, played by Martin Sheen, on *The West Wing*—you know, that show about a dreamy Democratic president who battles right-wing extremists every Wednesday night?

Leno was asking Locklear if it was strange to work with Sheen, who was appearing with son Charlie, on *Spin City*, because he's, like, the president. And that's when she made her opinion known (and just as quickly, Leno moved on to less contentious topics like plastic surgery).

Calling President Bartlet a scumbag is probably more dangerous in L.A. than saying it about Bush. THE SCRAPBOOK hopes Heather's candor doesn't get her blacklisted. ♦

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Casual

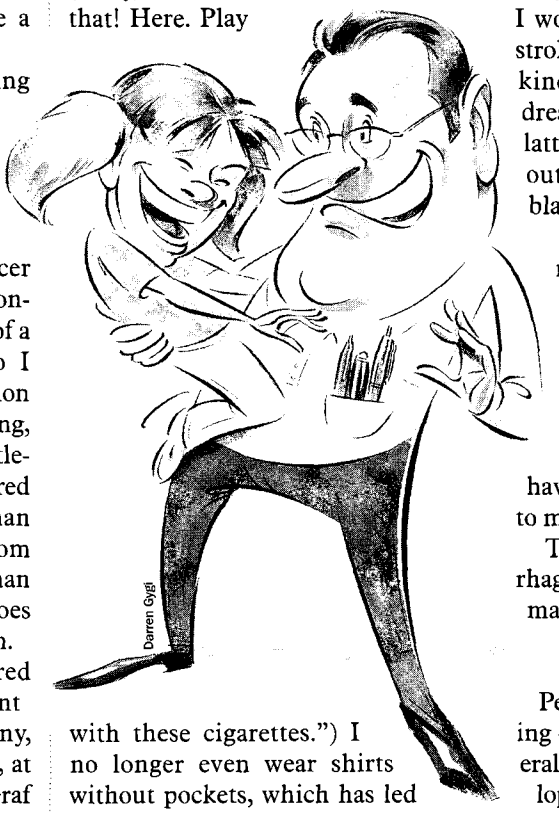
His Nibs

A problem with carrying fountain pens is that strangers use them as a pretext for conversation. Familiar icebreakers include: "Say, is that some kind of fountain pen?" (meaning: *Say, are you some kind of nancy boy?*) and "Wow! Can I try writing something with that?" (Answer: "No.") And at the end of any discussion, you get asked *why* you use a fountain pen.

I don't really know. But owning one provokes a chain of events that makes one's pen as indispensable as others' wallets or watches. I liked my old Waterman "Gentleman" so much that a few years ago my wife got me an even nicer "Etalon." It seemed heartless to consign one of them to the loneliness of a desk drawer, even for a day. So I decided to fill the fine-nibbed Etalon with black ink and use it for writing, pressing the medium-nibbed Gentleman into service with various colored inks for editing. Just as a woman enters the universe of spinsterdom when she gets her second cat, a man becomes a pen-weirdo when he goes public with his second fountain pen.

My pen ownership thus acquired the status of "quirk." At that point my sister, who works in Germany, found me a truly superb and (now, at least) indispensable product, the Graf von Faber-Castell "pencil extender." This is an item so recherché that the box doesn't even have an English translation on it—*höchfeinster Bleistiftverlängerer*, it reads—and I have to send away to Potsdam for the refills. Ever since I read in a Nabokov book that "a scholar is a man who reads with a pencil," I have tried never to be without one. And since it protects the pencil-tip, my Bleistiftverlängerer has freed me from the old choice—a sooty shirt-front or multiple stab wounds to the thigh?—that confronts the inveterate pencil-carrier. That's to say nothing of the way it conceals, in a most 007-like way, both an eraser and a sharpener.

This means my shirt pocket is now filled with so much silver and tortoise-shell and gold plate that it is irresistible to my grabby two-year-old daughter whenever I pick her up. ("Hey, don't touch that! Here. Play with these cigarettes.") I no longer even wear shirts without pockets, which has led to awkward moments at holidays. "Very nice of you!" I recall saying to my mother-in-law a couple Christmases back, after receiving hundreds of dollars' worth of elegant-but-pocketless shirts from her. "I won't wear them, of course, but it's a nice thought all the same!" My collection also necessitates a range of maintenance purchases: blotters, solvents, and high-quality paper, since the 18-karat Paris-made nib on my Etalon tends to "bite" at cheaper stock.



But it's worth it. The man who uses a fountain pen has experiences denied to mere scratchers with ballpoints. Last week, for example, my wife and I were leaving a dinner party at an elegant townhouse in Georgetown when our host said, "Wait! Sign the guest book!" I looked at the proffered pen. It was hardly up to the splendor of the surroundings: the chandeliers, the Persian carpets, the hand-painted wallpaper, not to mention the tooled leather of the guest book itself, which appeared to have stood up well to the signatures of decades' worth of guests.

So I decided to use my own pen. But which one? "Do I go for the austere, tapered precision of the Etalon?" I wondered. "Or the bold and vivid strokes of the Gentleman?" (Am I the kind of person Madison Avenue dreams of, or what?) I opted for the latter, thinking its blue would stand out more starkly against the gray-black Bic scribble of previous guests.

But when I started to write, nothing happened. "Gee, that's funny," I said to my host. "Must be something wrong with your paper." I shook the pen a couple of times to get the ink running, but still not a dribble. So I started unscrewing the barrel. I should have been wary when the pen began to make a soft but insistent *pfff* sound. The ink had probably been hemorrhaging onto the guest book and the mahogany table for a couple of seconds before I noticed it, because by then it was pouring onto the Persian carpet in an audibly pattering cataract. I threw up my hands (literally) and sent another great big dollop onto the wall, where it immediately began plowing floorwards down the ridges of the handcrafted wallpaper.

When I returned from washing up at the kitchen sink, our host was patting the carpet dry with paper towels. I reassured him that my pen would probably be okay. "Don't worry about it!" he said through a grit-toothed smile. "Don't worry about it!"

(". . . Just *leave!*" I could hear him thinking.)

Christopher Caldwell

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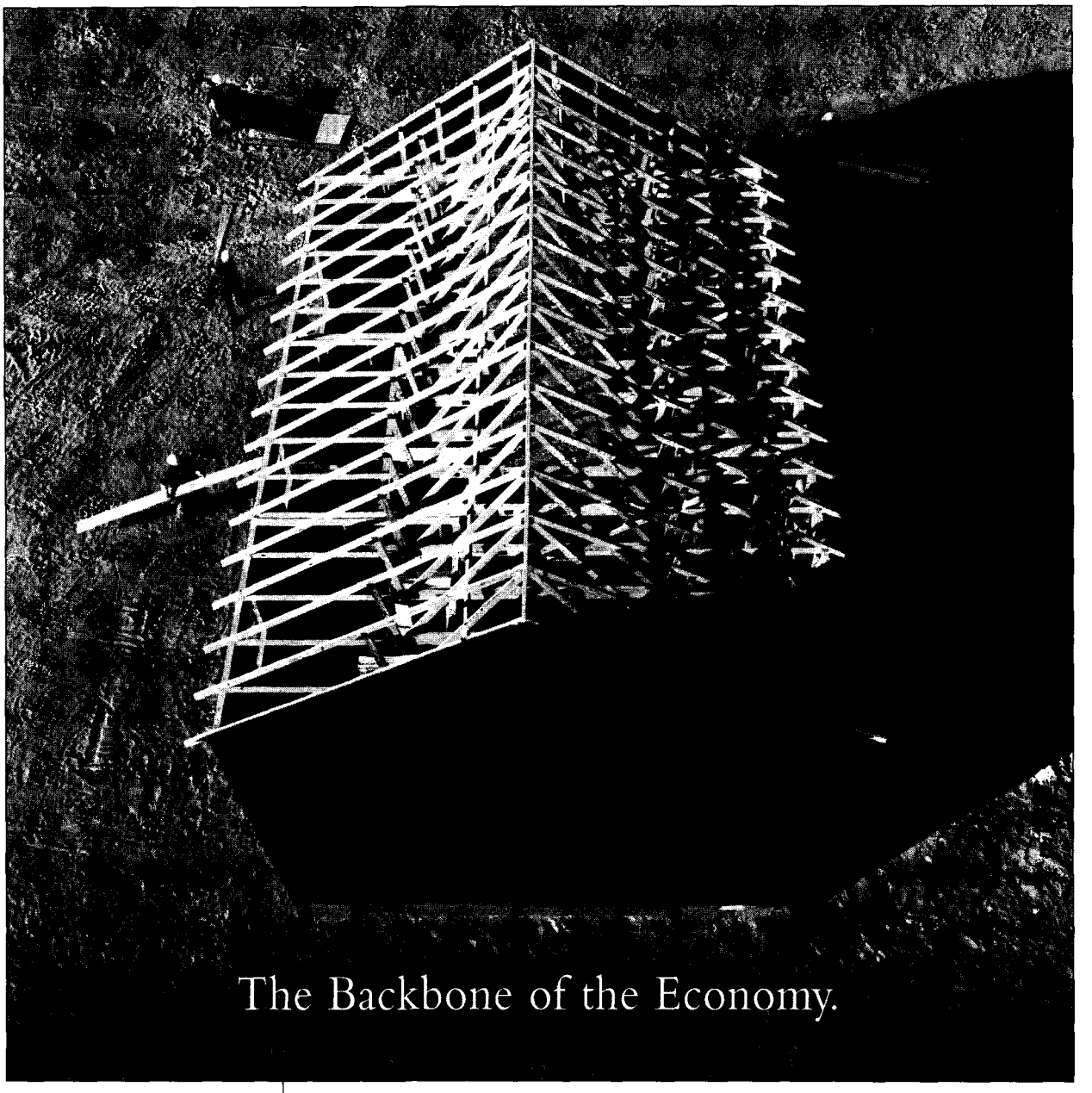

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Nothing is supporting the U.S. economy like housing. Sales of existing homes set a record pace in January of 6.04 million units annually. Last year, 1.6 million new homes and apartment units were built. Home values have increased five percent annually the last three years, adding $2 trillion to the nation's wealth. And according to a new report entitled *Safe at Home*, this is no aberration. The strong housing industry is the result of a strong housing system. And it will continue to lift the economy out of recession. To download the entire *Safe at Home* report, visit HomeownershipAlliance.com.

Homeownership Alliance

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Yellow No More

Kudos to Tod Lindberg for his well-written and insightful essay "Rebirth of a Nation" (March 4). As a now middle-aged man, I remember all too well the awful days of the Iranian hostage ordeal and the anger I felt at that time over the orgy of yellow ribbons and other feckless displays of victimhood. These perfectly reflected the attitudes of the pious incompetent occupying the White House, but the mullahs knew, however, that no victim was coming into 1600 Pennsylvania Avenue in January 1981.

As an aside, if I hear September 11 described as a "tragedy" one more time on television I am going to lose it. It was not a tragedy, as tragedy implies some defect in the subject of the tragedy that contributes to his or her fate. It was cold-blooded murder, plain and simple.

Bill Harrison
Arlington, VA

Quieted Vespers

The radical left-wing injunction against prayer before meals at the Virginia Military Institute marks an affront to Christianity and to our Constitution ("How to Ruin an Institution," Woody West, March 4). Cadets and their leaders should engage in civil disobedience by continuing their prayers. In the process, they would be defending our constitutional right to free speech in general and prayer in particular. Moreover, they would be providing a symbolic reminder to their counterparts on active duty of their sworn obligation to support and defend the Constitution of the United States against all enemies, foreign and domestic.

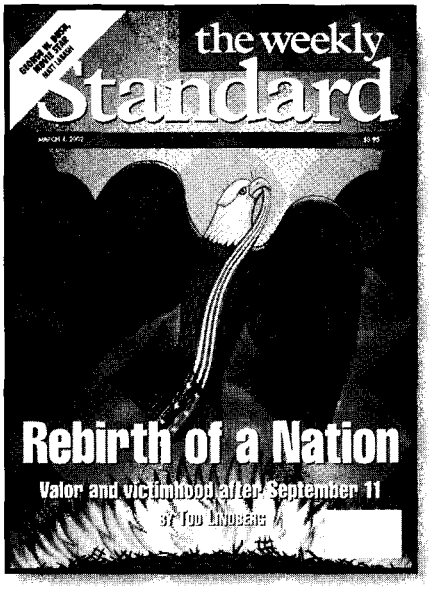
Such a move by the cadets should come naturally. VMI grads are known—at least, were known—for resolve in the face of the enemy. Consider the Battle of New Market in 1864. Consider the sobering number of Medal of Honor winners among the alumni. By defying this radical and unconstitutional injunction, they would be reaffirming their reputation for fearlessness and good.

Retiring superintendent Major General Bunting registered his dismay with the injunction by penning an editorial in the *Wall Street Journal*. A more compelling alternative would have been to invite the press to lunch in the mess hall and to lead the cadets in the lunch prayer, defying the federal judge's ruling against free speech.

S.K. Gibson III
Rancho Palos Verdes, CA

My Fellow Americans

I appreciated Michael H. Shuman's article on America-bashing ("My Fellow Lefties . . . ," Feb. 18). He correctly notes that leftist America-bashers "have sullied more worthy progressive



causes for years to come." Most Americans I talk to are dismayed, disappointed, and outright angry at the Left's reaction to September 11 and ensuing events, and the mainstream media have certainly lost a degree of credibility with the American public.

I must, however, take issue with Shuman on one point: his use of the term "progressive" to describe leftist media and policies. In calling the Left "progressive," Shuman obviously implies that those who do not subscribe to the same belief system are, in fact, "regressive." I would argue that there are several "progressive" causes shared by liberals and conservatives alike, such as improving education.

In chastising the Left for bashing America, Shuman manages to offend the 40 percent of Americans who label themselves "conservative."

Cate Brizzell
Saratoga Springs, NY

Bellesiles's Foggy Vision

I laughed heartily at David Skinner's account of the debate between historical scholars on whether or not our forefathers owned guns ("The Historian Who Couldn't Shoot Straight," Feb. 25). As a student of history and genealogy, I can assure you that virtually every pioneer owned a rifle to protect his family, and to put meat on the table. However, they did not have access to eyeglasses. As their vision deteriorated in mid-life, they handed their weapons down to sons and grandsons, who could see clearly enough to shoot accurately. This is why rifles often do not show up in probate records.

Ken Topping
Houston, TX

As a historian, I found David Skinner's article on the Michael Bellesiles controversy a good summary of what has gone on so far. In the larger picture, however, the article reveals more about the state of the historical profession in the United States than it does about the Bellesiles case in particular. I find it incomprehensible that a book whose errors were exposed relatively easily could win something as prestigious as the Bancroft Prize. It would seem that a number of people were prepared to let their ideological convictions override the skepticism that every good historian ought to have.

R.L. DiNardo
Stafford, VA

Lucky Campers

Matt Labash's characterization of the clime and conditions at Camp X-Ray is right on target ("Guantanamo's Unhappy Campers," Feb. 11). Kudos to Labash for reporting the truth, instead of jumping on the hysterical human rights bandwagon.

As an enlisted Marine grunt from

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1991-95, I spent nearly a year on Guantanamo caring for and guarding Haitian, then Cuban, "detainees" the U.S. military picked up out of the ocean in 1994. I would happily go back to the warm Caribbean and the unique "Gitmo" atmosphere in an instant.

Americans should not forget that these al Qaeda/Taliban fighters are completely committed to our deaths and the destruction of our culture. None of those men would shed a tear over the civilians who died on September 11.

By my reckoning, the sworn followers of Osama bin Laden in Guantanamo Bay are fortunate. Many Americans would have been satisfied with a summary court-martial and execution in the field for every last one of them.

ALEX CHOMPFF
Livermore, CA

GREEN FURY

JAMES K. GLASSMAN has it right ("Green with Rage," Feb. 25). The environmentalist fanatics are seething over Bjørn Lomborg's *The Skeptical Environmentalist*, which debunks many of the exaggerations these fanatics find useful. But it's even worse than Glassman describes. Radical environmentalism is not only a pseudo-religion; it also carries the seeds of violence.

The Nov. 17, 2001, issue of *Lancet*, one of the leading medical journals in the world, carries an editorial titled "Climate Change—the New Bioterrorism." The editorial asserts, "Each U.S. citizen emitted 20 tonnes of carbon dioxide in 1998, compared with two tonnes for each person in all the developing countries," and concludes, "Climate change is bio-political terrorism." That is, each U.S. citizen is a bioterrorist. The editorialist recommends international agreements to limit global warming, but who is to say that activist readers will not conclude that more aggressive measures are needed? After all, such measures are justified in combating other forms of bioterrorism—such as the release of anthrax spores.

Note that this editorial appeared shortly after Sept. 11. While this fact was not mentioned, readers might conclude that SUV drivers are no better than those who crash airliners into office buildings, and that therefore the attack of Sept. 11 was deserved. At the very least, its publication so soon after Sept. 11 shows a remarkable lack of empathy for the victims—not an admirable quality in a physician, the author of the piece. As expected, a letter of protest was rejected for publication.

When a leading scientific journal uses such inflammatory language, one should not be surprised if the flames of violence erupt. The environmental movement not only has radical elements, but it is itself inherently radical, and potentially violent as well.

DAVID C. STOLINSKY
Los Angeles, CA

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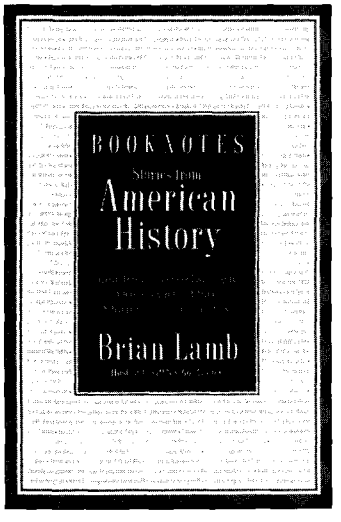

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BLASPHEMOUS COVERAGE

WAS IT REALLY NECESSARY for THE WEEKLY STANDARD to deface Christian art with Stephen F. Hayes's cover story on Bill Moyers ("PBS's Televangelist," Feb. 25)? Moyers is one of the most sanctimonious folk around, but putting him in the garb of an Eastern Orthodox saint seems over the top. The original art the cover artist defaced almost certainly was an icon of Jesus Christ: The left hand holds the Holy Gospel—on which was implanted the PBS corporate logo. The right hand is lifted in blessing, with the fingers, by the convention of Orthodox iconography and pastoral practice, shaped into the letters ICXC, the Greek initials for Jesus Christ. Parody is good fun, but this time THE WEEKLY STANDARD went too far.

NICHOLAS DUJMOVIC
Vienna, VA

FOR YEARS I admired Bill Moyers as a thoughtful, open-minded individual. Several years then passed without my listening to or reading Moyers. Then I saw him on his new show *NOW with Bill Moyers* a few weeks ago. It was shocking. Moyers is so open-minded that he doesn't seem to believe in anything, other than in the virtue of open-mindedness. He is so intent on considering all viewpoints as valid that he doesn't appear to be able to take a stand on most things.

ROGER FRANTZ
San Diego, CA

EQUAL WORK, EQUAL PAY?

THE SCRAPBOOK item "New Frontiers in Feminism" (Feb. 25) about Wafa Idris, the female Palestinian suicide bomber, failed to address the most important religious question regarding her martyrdom: Is Wafa entitled to seventy-two virgins?

HAROLD WITKOV
Downers Grove, IL

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the weekly Standard

Domestic Drift

Our colleague John Podhoretz came to Washington recently and made an astute observation. If you travel in conservative circles, he noticed, all anybody wants to talk about is the war. But among liberals, all anybody wants to talk about is campaign finance reform and Enron. In the large scheme of things, it's the conservatives who have their priorities right. When historians look back on this period, they will not care much who bloviated for the cameras when Jeffrey Skilling appeared before this or that congressional committee, any more than we now care about the fight over the Interior Department budget of 1947. What matters now, as at the dawn of the Cold War, is how the United States carries out its global struggle with terror and the axis of evil.

Still, domestic affairs can't be entirely ignored. And when it comes to these matters, the Republican party has not exactly found its mission and its moment. Over the past few weeks, in fact, the GOP has suffered a series of defeats.

* The campaign finance reform bill surged toward passage, against Republican objections.

* The nomination of Judge Charles Pickering, the victim of a smear campaign that for too long went unrebutted, looks likely to go down to defeat.

* The Bush energy plan is being effectively blocked. Any serious energy policy must include some increase in North Slope drilling and some effort to revive nuclear power. But those measures are dying, while Democratic efforts to raise fuel efficiency standards are gaining momentum.

* The United States has adopted Dick Gephardt's trade policy. In the most intellectually indefensible move of this administration, the president slapped a 30 percent tariff on steel, which will cost more jobs than it saves, raise costs for consumers across the economy, and damage America's standing around the world by making us look like hypocrites.

* The Congress has adopted a stimulus package that on balance looks a lot more like the original Democratic packages than it does like any of the Republican packages. This is not only a policy retreat, it's also an intellectual retreat. Republicans have now embraced Keynesian notions of pump-priming. Ludicrously, they are fighting a recession that is already over, pumping bullets into a corpse.

In short, the Republicans have not been able to translate President Bush's phenomenally high approval ratings, and the Republican party's own high ratings, into any sort of domestic policy coherence or momentum.

Maybe this is inevitable. Maybe the political capital President Bush has acquired is denominated in a foreign currency and can only be spent on security and foreign affairs. But there are other possibilities.

The first is that amidst the pressure of the war, the White House has simply become inattentive to domestic matters. Why on earth did it take the White House so long to mount a defense of Charles Pickering? A few weeks ago, the *New York Times* ran an article demonstrating that many of the blacks and liberals who know Pickering best remain enthusiastically supportive of his nomination. It took the administration weeks to roll them out. If your conservative antennae are less sensitive than the *New York Times*'s, you know you are slow off the mark.

There's another problem. The Republicans don't seem to feel a sense of urgency on domestic issues. The war is gripping. Fair enough. But is there no domestic issue that is worth getting excited about? Is there nothing worth fighting for? Republicans can be seen proposing this or that idea, but conspicuously lacking in their demeanor is any sense of fire and mission. The middle third of the State of the Union address, the domestic policy section, was almost delivered by rote.

What's needed is not only a passion injection, but a rethinking. What problems really plague the nation? Where is the nation most seriously falling short of its promise and ideals? How do the events of this war transform the domestic landscape? There has been some discussion of these matters—witness the administration's constructive embrace of AmeriCorps—but still not enough.

One jarring problem that now confronts the country is that, even while most people have rallied around America's governing institutions and have displayed a selfless commitment to the nation's cause, some groups in Washington are still firmly in pre-9/11 mode. At the Senate Judiciary Committee hearing last Thursday, several senators noticed that while the national mood is elevated, the judicial confirmation process is still in the gutter. President Bush promised to change the tone in Washington. Here's a place to do that.

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Similarly, Vice President Cheney is now bravely fighting the General Accounting Office's efforts to probe into the inner workings of the administration. This is not only a defense of the executive branch, it is a defense of America's founding philosophy. The Founders believed that since men are not angels, faction should be pitted against faction, self-interest against self-interest, until some compromise could be reached.

But the GAO, modern Jacobins, are saying that what matters is not what is in a piece of legislation. Instead, what matters is that it be conceived by immaculate conception. Did presidential aides have any contact with self-interested sinners while they were crafting the legislation? Did they have any impure thoughts that were captured in the minutes of their meetings?

If the GAO gets its way, then no one will try to kill a piece of legislation by arguing against it on its policy merits. Instead, parties will simply kill legislation by attacking the motives and character of the people who proposed it. Who was at the meetings? Who gave the donations? Political debate will devolve even further to the level of Larry Klaymanism.

In fighting this trend, Dick Cheney is defending our governing philosophy and defending the notion that in America legislation should be judged by whether or not it is good for the country. In other words, Dick Cheney is trying to improve the tone in Washington, something President Bush vowed to do if elected. Maybe it is time for a full-scale effort to improve the tone. Maybe it is time to put a lid on the sort of arrogance Robert Byrd demonstrated recently when Paul O'Neill came to testify before his committee, or the sort of incivility Fritz Hollings demonstrates six days a week. Maybe it's time to welcome an honest foreign policy debate without having Trent Lott or Tom DeLay leap up and start questioning people's loyalty merely for registering disagreement.

In a time of war, national morale matters as much as military morale, and that morale is hard to sustain when good men get smeared, or when every congressional hearing turns into scandal-mongering or a show trial. It's also hard to maintain in a period of domestic drift. At home as much as abroad, it remains within the power of the United States to mobilize its strength and shape the future.

—David Brooks, for the Editors

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Daschle's Predicament

Criticizing Bush is like hitting your head against a wall. BY JOHN PODHORETZ

TOM DASCHLE, Washington's most important Democrat, just can't catch a break. The Senate majority leader has been trying to figure out how to open up an effective partisan front against a wartime president for months now. Three times, Daschle has bravely taken on the president in a direct assault. And three times now, he has sustained heavy losses.

It would seem a fool's errand to confront George W. Bush with the country at war, since that would seem to undermine the national unity that has given Americans such comfort since Sept. 11. Daschle is certainly no fool. But he has responsibilities as his party's leader, not to mention White House ambitions of his own. George W. Bush is riding an approval rating around 80 percent, and Republicans in the House and Senate are polling more strongly than they ever have. If these Republican numbers hold through Election Day, Daschle will once again become Senate minority leader.

He knows, then, that the Democrats have to do something to get their own voting base as passionate about working for candidates and turning out at the polls as the Republican base is. And he knows Democrats must deliver a message that will connect with independent voters, who are in Bush's pocket these days. Daschle evidently decided at the beginning of the year that it was his duty—and partisan opportunity—to see whether he could give voice to any possible swell of sentiment against the president.

He launched the first frontal assault in January, giving a highly touted speech blaming the recession on the tax-cut package advocated by George W. Bush. By doing this, Daschle was trying to play to his party's strength with the American people as the fairer and more caring of the two parties.

The speech's failure was twofold. First was a simple matter of fact. How could the Bush tax cuts be responsible for a recession when they had yet to take effect—and when the recession had officially begun soon after the president had taken office? Second was a simple matter of policy. Republicans gleefully joined the *New York Times* editorial board in wondering why, if Daschle was convinced of the economic danger posed by the tax cuts, he wasn't calling for their repeal.

The answer: A call for repeal might do significant damage to the reelection bid of Daschle's fellow South Dakota senator, Tim Johnson. The GOP considers Johnson the most vulnerable Democrat up for reelection, and Johnson had voted for the tax cut along with 11 other Democrats. A dispute between Daschle and Johnson would have been very useful to GOP senatorial candidate John Thune. So Daschle did not address the issue of repeal, and had his hat handed to him.

But Daschle's defeat in that January battle was nothing compared to what happened at the end of February. For the first time, at his weekly press conference on February 28, Daschle went

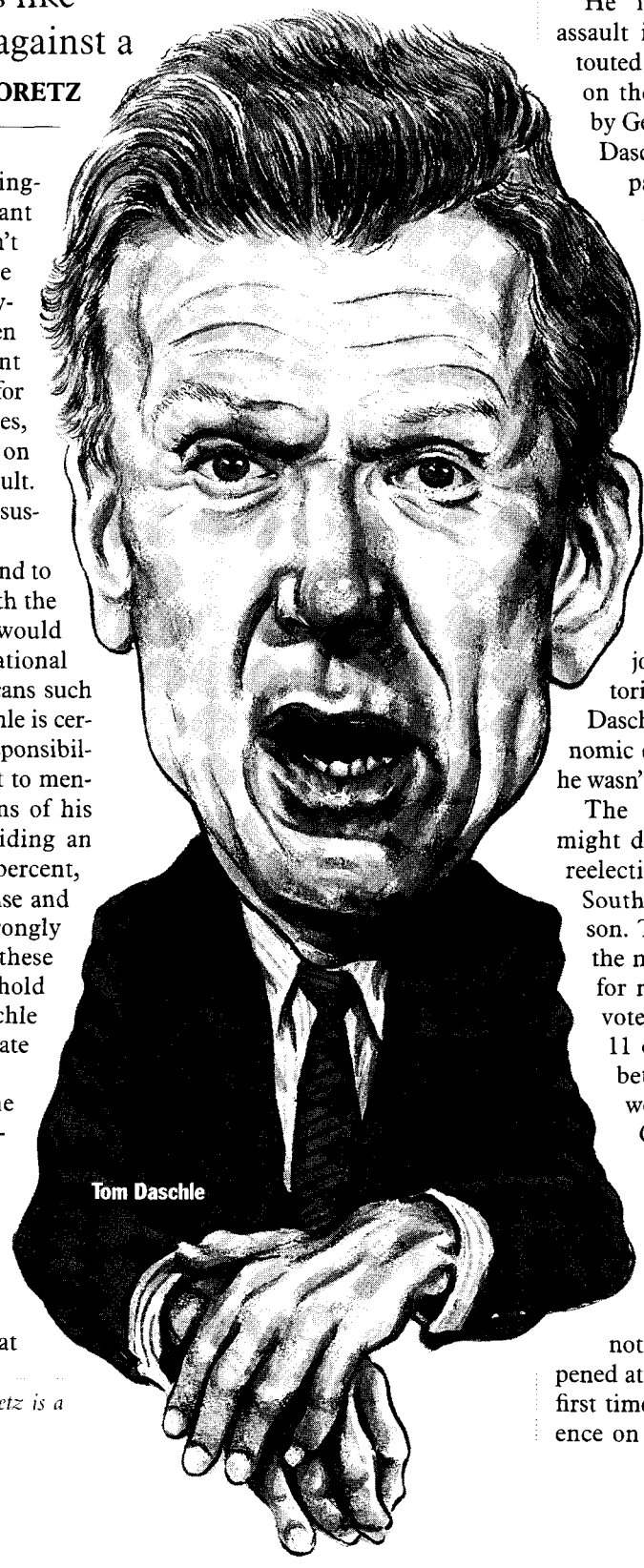
Tom Daschle

Illustration by Drew Friedman

Contributing editor John Podhoretz is a columnist for the New York Post.

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out of his way to criticize the president's handling of the war and Bush's war goals in the future. While stipulating that "I don't think it would do anybody any good to second-guess what has been done to date," Daschle proceeded to do exactly that.

"We've got to make a better analysis of what's been done," he said, and warned that the "jury is still out about future success." He worried that "there is expansion without at least a clear direction to date." He praised his colleague, Sen. Robert Byrd, for raising "tough questions" about the conduct of the war. What Byrd had said was this: "The Pentagon seems to be looking for opportunities to stay longer and expand our presence in the region. There's no end in sight to our mission in Afghanistan."

Trying a different tack, the Senate majority leader the next day publicly complained that he had not been properly informed of the existence of the so-called "shadow government" convened in secret locations since September 11 to ensure continuity of the executive branch in the event of a cataclysmic attack on Washington.

Daschle's criticisms were thematically consistent. The administration, he hinted, was behaving secretively, arrogantly, and quite possibly unconstitutionally. It was supposedly expanding the war without consultation, and setting up government operations while keeping Congress in the dark.

Such a portrait dovetails nicely with the Democratic accusation that the administration is illegally denying Congress access to information about the formulation of its energy plan. And talk of the energy plan, of course, segues nicely into the Enron bankruptcy, since the once-mighty oil company was consulted when Vice President Cheney was helping to draw up the energy plan.

Daschle's cavils got press coverage and drew partisan fire, which is what they were intended to do. But then, once again, simple fact and hard reality intervened. It turned out that in March 2001, House and Senate officers with actual roles to play during a succession crisis—Speaker of the House Dennis Hastert and then-president pro tempore of the Senate Strom Thurmond—had indeed been briefed on the emergency plan. When Thurmond was replaced as president pro tem by Robert Byrd, Byrd was offered a briefing on the matter and turned it down.

Worse yet for Daschle's partisan assault was the actual assault—by American ground troops in Afghanistan in the mountains around Gardez—that immediately followed. The battle against a force of al Qaeda and Taliban fighters far larger than originally anticipated meant that Daschle had decided to separate himself from the president just as Americans were coming under fierce enemy attack. Daschle quickly retrenched by drafting a resolution of support in the Senate.

"I think that on occasion it is important for us to speak with one voice in support of our troop efforts, and we're looking for an opportunity to do that," Daschle said. The rout was complete. Only days after trying to find his own Democratic voice separate from Bush's, Daschle was back to singing with the chorus. He is surely more aware than ever of the desperate fix he and his party are in, but so far he has been unable to see a way out of it. ♦

Term Limits, Unlimited

Contrary to reports, the movement is alive and well. BY FRED BARNES

ELECTED OFFICIALS loathe term limits (they're forced to retire). Special interest groups don't like them (they lose allies they've assiduously wooed). The media rarely have a kind word for them (their sources leave town). And the consensus for several years in the political community has been that the term limits movement is dying.

Alas, voters still love them, a fact loudly underscored last week by the defeat of a clever California initiative to roll back term limits on state legislators. Supporters of term limits were outspent ten to one. Even a quotation from Ronald Reagan was used against them. Yet they trounced Proposition 45, the initiative that would have allowed term-limited legislators to stay in office, 58 percent to 42 percent. Now the question is whether the California triumph has legs.

The case for term limits hasn't changed. They promote competition in elections and turnover in legislative bodies. They remove legislators or other elected officials who've become entwined with special interests, replacing them with newcomers with closer ties to actual voters. They make room for more non-professional politicians, grass-roots types, women, and minorities. Many conservatives believe term limits will result, not immediately but over the long run, in conservative policies, since elected officials will be more responsive to voters and less to lobbyists and liberal elites who often dominate state capitals and local governments.

Naturally, leaders in the fight for term limits believe the California vote has transformed the politics of the issue. "California is so often a trendsetter," says Stacie Rumenap of U.S. Term Limits. Not always, though.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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Remember Proposition 187 restricting government aid to illegal immigrants? It wasn't widely copied. The Proposition 45 vote is "a turning point," says Eric O'Keefe, president of Americans for Limited Terms. Officials seeking to undo term limits in their states are bound to have second thoughts after California, he says. This makes sense. So at least the drive to *eliminate* term limits may have peaked.

Since the mid-1990s, when congressional term limits were defeated and courts struck down limits on legislators in three states, this effort has been both intense and bipartisan. Last year, the overwhelmingly Republican legislature of Idaho repealed term limits over the veto of Gov. Dirk Kempthorne. Despite polls in Florida and Michigan showing the enduring popularity of term limits, Republicans and Democrats are pressing to kill them in both states. Efforts are also underway in Maine, Missouri, Ohio, and Arizona, where GOP governor Jane Hull has endorsed an end to limits. But all that was pre-California, where term limits are more popular than ever. In 1990, they were approved 52 percent to 48 percent. "When we've moved from a 4-point win in 1990 to a 16-point win this year, it's fair to say that term limits have actually gained strength," insists Rumenap.

Terms limits are of course common in America. The 22nd Amendment holds a president to two terms, 38 states restrict their governor's term, and congressional Republicans put limits on their leaders and committee chairmen. Roughly 3,000 local governments have term limits, including New York City, where Rudy Giuliani was required to step down as mayor on January 1. Seventeen states currently have limits on legislative terms, and in all but two of them—Utah and Louisiana—they've been imposed by referenda. For term limiters, the next step is to get a new initiative on the ballot in Idaho this fall and to defeat a few legislators who voted for repeal. That might concentrate the minds of others contemplating repeal.

The biggest problem comes in the 26 states that have no effective provision for referenda. There, legislators would have to vote to limit their own terms and getting them to do so is a daunting task. The Utah legislature passed term limits only because a referendum was imminent. Nonetheless, leaders of the term limits movement, sensing a California win, began strategizing earlier this year on how to approach state legislatures. Should they seek to get an initiative and referendum process enacted or prod the legislators to vote for limits? Their strategy will probably be to lobby legislators to act.

What helped them in California was the brazen bid by Democrats to keep their jobs in the legislature. The initiative would have allowed term-limited legislators to run again if they collected the signatures of 20 percent of the voters in the last election. This favored Democrats because many more of them represent low turnout, minority districts. The state Democratic party donated $3.2 million to the anti-limits effort, and it was backed by labor unions and industries (gambling, alcohol, banking, insurance) regulated by the state. The opposition to Proposition 45 was led by a Republican consultant, Dan Schnur.

The campaign to shave back term limits was also deceptively packaged as a way to make limits "work better" and to expand "local voter rights." On the ballot, the preamble to the initiative said: "Term limits have reinvigorated the political process by promoting full participation and bringing a breath of fresh air to California government." A mailer showed a picture of Reagan and quoted from him. "Like President Reagan, Proposition 45 puts its faith in the voters to make the right decisions for themselves," it said. Voters weren't fooled. ♦

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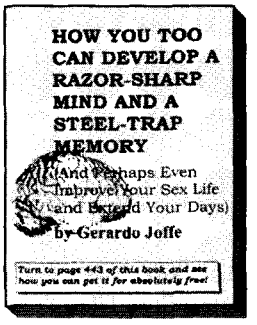

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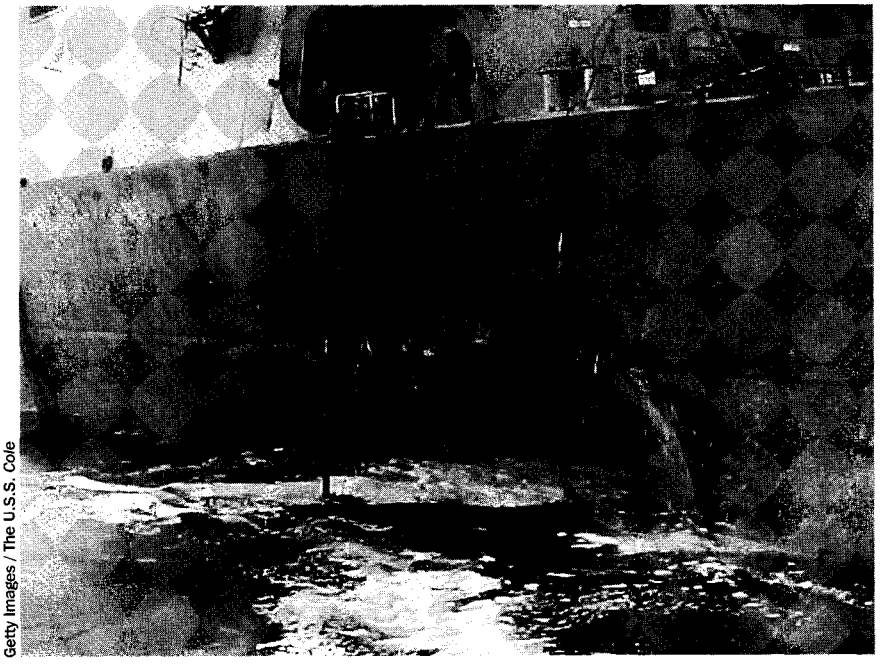
America Knows Terrorism

Unlike the simplistic Europeans.

BY TOD LINDBERG



Getty Images / The U.S.S. *Cole*

AT THE END OF THE DAY, the truest picture of the European response to the war on terror may emerge from, for example, the fact that Germany has dispatched elite special forces troops to fight alongside Americans in Gardez, Afghanistan. That a Social Democratic-Green coalition would send German soldiers abroad to participate in an exercise in "regime change" marks a historic change, one befitting the stakes to which al Qaeda raised international terror on September 11. But it's a long way to the end of the day, and we must therefore be prepared in the meantime to run a gauntlet of other, far more distasteful European responses.

Leaving aside the hard-core anti-American left, whose musings have become the more feral in inverse proportion to their consequence, the central tenet of mainstream obnoxiousness is the proposition that Americans are "simplistic" (French foreign minister Hubert Védrine) in their approach to the problem of terror, and that what underlies European sophistication is greater European experience of terror. We were hit on our soil only now for the first time, and we are lashing out in response to this sudden sense of our own vulnerability. Europeans, having long known the scourge of terror, are more realistic both in their expectations about managing it and in their ability to live their daily lives despite the ultimately unavoidable threat of it.

Thus Védrine himself has referred to Europe's failure to appreciate Americans' "dreadful shock that was the discovery by the Americans of vulnerability." Douglas Fraser, political editor of the *Sunday Herald*, wrote in the September 16 edition of the Scottish newspaper, "Terrorism has been a feature of European life for a generation. . . . Only now is the United States being forced to confront it on the other side of the great psychological divide that had been the Atlantic." Reporting in the *Washington Post* March 4, Keith B. Richburg noted, "For Europeans, terrorism has long been considered an unfortunate fact of life. France has endured bombing linked to Algerian militants, while Italy suffered under the Red Brigades. Germany experienced a wave of terrorism from the Baader-Meinhof gang in the 1970s, and Greece is still home to the small but deadly November 17 group."

With all due respect to the desire to feel more sophisticated than Americans, the notion of greater European experience of terrorism is based on a highly selective reading of the historical record. Yes, the Baader-Meinhof gang, and the follow-on Red Army Faction, did indeed terrorize West Germany in the 1970s and 1980s, during the course of which they killed perhaps 30 to 50 people. The Red Brigades engaged in some high-profile killings and kidnappings, including Prime Minister Aldo Moro and U.S. Gen. James L. Dozier, but the death toll they inflicted was in the single digits. The November 17 group has been responsible for 20 or so deaths (including four U.S. diplomats) and also was responsible for a bus attack in 1987 that injured 17 U.S. servicemen. One does find far larger numbers, well into the thousands of civilian casualties, in the case of Algeria and France, and the violence has continued, including a 1994 hijacking of an Air France flight (the four hijackers died in a rescue) and a 1996 bombing of the Paris subway that killed four and injured 86. And the death toll attributable to the Irish Republican Army since the "Troubles" began in earnest in 1969 stands at about 3,600.

But overall, a perusal of the entries

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on the U.S. State Department list of "Significant Terrorist Incidents, 1961-2001," from which I have taken some of these figures, yields a rather different target profile from what Europeans seem to be implying. Especially over the past two decades, the targets, when they are not Israeli, are overwhelmingly American: From the bombing of the Marine barracks in Beirut in 1983, which killed 242 Americans, to the Berlin discothèque bombing in 1986 (two U.S. servicemen dead), to the downing in 1988 of Pan Am flight 103 (259 dead), to the 1996 Khobar Towers bombing in Saudi Arabia (19 dead, more than 500 injured), to the 1998 U.S. embassy bombings in Kenya and Tanzania (300 dead, thousands injured), to the 2000 attack in Yemen harbor on the USS *Cole* (17 sailors dead). Even the attacks that have supposedly heightened European consciousness have often been directed at Americans. And while most terror attacks occurred on U.S. targets abroad, not all did. Let us not forget the first World Trade Center bombing in 1993, which left six dead. And, of course, there was the Oklahoma City bombing, where a home-grown terrorist claimed the lives of 168.

So it is rather a silly exercise to pin a supposed European sophistication on greater experience. On the other hand, it is certainly fair to characterize the European response to terrorism, as different from the American response since September 11. Europeans treated terrorism largely as a law enforcement matter and were not especially interested in probing too deeply at terrorists' international connections with a view to acting against states or international organizations that were supporting them.

In short, the non-simplistic European attitude, if that's the right way to characterize it, rather closely resembles the pre-September 11 response of the United States to terrorism. We have come to our simplisticism only recently, and only as a result of the manifest failure of "sophistication" to derail what can now clearly be seen as a longstanding and systematic effort by our enemies to target us and kill our people.

Is Paris burning? Well, no, it isn't. And that is an excellent backdrop for sophistication, if not indeed its prerequisite. The United States bears the burden not only of its own security but the security of many others, which in turn allows the others, if they wish, to pursue better relations with those who wish *us* ill. In this fashion, they are doubly safe, *non*?

It also strikes me as entirely plausible that the moral clarity Tony Blair displayed in response to September 11 may have had something to do with those 3,600 dead in the Troubles—a very particular and long-lasting problem the UK had to figure out for itself. It's also why, at the end of the day if not before, the memory of Algeria and worse will lead France to forswear sophistication and lend a hand. ♦

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"Hayek goes to some lengths at the end of Chapter 5 of *The Road to Serfdom* to think about democracy in terms of the "values which it serves," making it clear that a parochial belief in Democracy independent of the values that it promotes can be as devastating a belief in the "common good" or the "general welfare." Is the value of a democracy, and in turn the value of any system of government, realized by the extent to which it was structured with Smith's statesman in mind? Is the system that has for its chief aim the limitation of political action – be it positive or negative, freedom-restoring as well as freedom-corrupting – the one most likely to succeed? Have any of the modern systems of government succeeded in preventing either the gradual or dramatic loss of freedom? If so, which one, and if not, what would such a system have as its pillars and why?

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Our Uzbek Friends

The human rights rap against Uzbekistan is naive.

BY STEPHEN SCHWARTZ

PRESIDENT BUSH'S schedule this week includes a visit to Washington by his counterpart from Uzbekistan, Islam Karimov. The strategically located ex-Soviet republic has become an important American ally in the anti-terror war, assuring our military of the availability of bases for operations in Central Asia. Uzbekistan's enthusiasm for its new friendship with Washington reflects the urgency of its own domestic struggle against Islamofascism—a struggle that, oddly enough given its parallels to ours against al Qaeda, Washington still seems not fully to grasp.

The State Department contributes to confusion over the political situation in Uzbekistan by its facile deployment of paint-by-numbers human rights criticism against Karimov's regime. The department's latest report on human rights abuses around the world was released on March 4. It includes numerous allegations against Uzbekistan, many involving the government's struggle to suppress Hizb-ut-Tahrir—a clandestine movement originating in the religious extremism of the Middle East. This is a battle in which the United States should probably be cheering Karimov on, rather than condemning him.

Getting it right in the fight against Islamofascism is all about making distinctions, not blurring them. In the Uzbek case, the State Department, parroting the Western human rights profession, accuses Karimov of seeing evil Arab subversives where there are merely pious Muslims. But the rights monitors suffer from the opposite blindness. They see only innocent, faithful Muslims where there are, in fact, terrorists. The issue is not religious devotion, but radicalism. The human rights lobby refuses to recognize the difference between traditional Uzbek Muslims and Arab-subsidized infiltrators whose "piety" is a cover for terrorist recruitment. This latter group is referred to in the Uzbek country report as "independent" and "particularly devout" Muslims. And the U.S. government takes the position that they are being abused by Uzbekistan for "their religious beliefs."

This vocabulary is bogus. Islamic extremists in Uzbekistan may be "independent" of local tradition, but they are by no means independent of manipulation by Wahhabis—the fanatics who want to impose on Muslims worldwide the fascist style of Islam fostered by Saudi Arabia and other Gulf states. Karimov's government has taken no actions against pious or devout Muslims following the country's Sufi traditions. Those who condemn Karimov's suppression of groups like Hizb-ut-Tahrir adhere to an ideology of human rights that does not distinguish between aggressors and victims, and thus between extremists and traditional Muslims. But these distinctions are a matter of life and death for Uzbekistan.

Like the other Russified republics of Central Asia, Uzbekistan became a testing ground a decade ago both for the transition away from communism, and for the rise of radical Islam. The fall of the Communist party-state abruptly opened up societies that had been closed to religion, as well as to capitalism, for 70 years. Coincidentally, the Gulf War had reinforced the military dependence of Saudi Arabia on the United States. The Wahhabi religious leadership that rules in Riyadh along with the royal family was left uneasy by the outcome of the battle against Saddam Hussein's Iraq. Increased cooperation with the West undermined the Islamic credibility of the Saudi regime, which already had to contend with the flamboyant corruption of its aristocracy. Both the Wahhabi clerics and the Saudi royals were committed to bridging the gap between their Islamist claims and their opportunistic and decadent reality. To do this, they would use their oil wealth to subsidize Islamist extremism outside the Arabian Peninsula.

Uzbekistan and its neighbors were the first places aside from Afghanistan to "benefit" from the Wahhabi outreach. Arab Islam had no roots there—Uzbeks are Turkic in culture. Islam there was and remains mainstream and tolerant, traditionalist rather than fundamentalist. A testimony to the pluralist nature of Central Asian Islam is the untroubled, 2,500-year history of the Jews of Bukhara, the fabled Uzbek city—a presence that the Wahhabi "missionaries" who have come to the region over the last decade now seek to destroy.

According to Pakistani journalist Ahmed Rashid, author of the recent book *Jihad: The Rise of Militant Islam in Central Asia* (Yale University Press), Wahhabi Pakistani and Saudi "missionaries" arrived in Uzbekistan, flush with cash, after the collapse of the Soviet Union. They soon set up an armed auxiliary, the Islamic Movement of Uzbekistan (IMU), which fought in Afghanistan alongside the Taliban and al Qaeda. Propaganda on the IMU's behalf, distributed by Wahhabi websites, targets the Bukharan Jews for violence, and denounces president Islam Karimov as "a Zionist Jew." This bizarre claim seems based on Uzbekistan's record of voting with Israel in the United Nations. But traditional Uzbek Muslims

Stephen Schwartz's book, Two Faces of Islam: The House of Sa'ud from Tradition to Terror, *will be published this summer.*

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AFP

President Islam Karimov of Uzbekistan (left) meets with the new Afghan prime minister, Hamid Karzai, March 4.

believe the Bukharan Jews have a better claim to be considered neighbors and friends than imperialist Arabs posing as Muslim reformers.

The U.S. government had the good sense to realize after September 11 that the Islamic Movement of Uzbekistan is a terrorist group. (Earlier State Department human rights reports had faulted Uzbekistan for its crackdown on the group.) But confusion persists about the Hizb-ut-Tahrir (HT), an extremist tendency in Uzbekistan that splintered from the Wahhabis.

This movement claims to favor nothing but religious study and peaceful preparation of the masses for an eventual revolution. It is savvy enough to have mounted a campaign portraying itself as the victim of human rights abuses under the Uzbek and other post-Communist governments in Central Asia. This is paradoxical, because the HT is strikingly similar to a Communist organization.

Hizb-ut-Tahrir is a conspiratorial movement. It has cells among younger Muslims in the West, including in the United States. The HT claims to defend the legacy of the Ottoman caliphate, which was the sole religious authority for the world's Muslims for centuries. However, the HT's antecedents are Arab, and its doctrines would have been rejected outright by the Turkish sultans. Indeed, the Ottoman caliphate, which zealously protected its Jewish subjects, would have dealt with the HT even more harshly than the Uzbeks have. The HT seeks the physical liquidation of spiritualist Muslims or Sufis, Shiite Muslims, and Jews, and has been outlawed in many Arab states. Nonetheless, an Uzbek adherent of the movement, quoted by Rashid in *Jihad*, insists its program is peaceful and complains that "the Wahhabis . . . wanted guerrilla war and the creation of an Islamic army." (The group has published an account of Wahhabism and the end of the Ottoman caliphate, *How the Khilafah Was Destroyed*, at *www.khilafah.com*.)

The most interesting aspect of the HT, however, is the resemblance between its vocabulary and argumentation and the rhetoric of Soviet communism. It denounces capitalism in identical terms, and attacks the United States for hegemonism in the wake of the Soviet collapse, as if nostalgic for the latter. The HT also agitates against the World Trade Organization and globalization in a manner indistinguishable from that of Western radicals. Indeed, it sometimes sounds like a Communist group attempting to recruit Muslims, or a Muslim group seeking influence with Communists, rather than a religious movement. Which makes it all the odder that the State Department persists in seeing the HT as the victim of religious repression by the Uzbek government.

Ahmed Rashid, it should be noted, echoes Hizb-ut-Tahrir itself, as well as Western human rights experts, in asserting that President Karimov's government has engaged in "crude labeling of all Islamic militants Wahhabis," which "fails to acknowledge the differences between the HT" and the Islamic Movement of Uzbekistan. But Rashid also acknowledges the historical continuity between Wahhabism and the other radical Islamist movements. While one should not ignore the differences between the Saudi Wahhabis and less extreme forms of Islamism, one should also not exaggerate the disparities between Wahhabism and groups, like HT, that may be described as "Wahhabized."

There is no need to sugarcoat the nature of our new Central Asian ally. Uzbekistan is a transitional, post-Communist society in which many democratic institutions are new and undeveloped. President Bush will certainly want to encourage his guest to protect independent media and to improve the functioning of the political and justice system. But Uzbekistan cannot afford to assure liberty for the enemies of liberty. In the struggle to liberate Islam from the grip of the Wahhabi-Saudi mafia, Karimov should have our backing. ♦

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Simon Says—Surprise!

Bill Simon pulls an upset in California's gubernatorial primary. Can he do it again in the fall?

By Stephen F. Hayes

Los Angeles

When poll results a week before California's gubernatorial primary showed political neophyte Bill Simon with a six-point lead over two-term Los Angeles mayor Richard Riordan, directors of California's Field Poll suggested voters were witnessing "one of the most remarkable turnarounds in California election history." That assessment, dismissed by many observers at the time as an exaggeration, turned out to be an understatement.

A month before the March 5 primary, Riordan led Simon by more than 30 percentage points. In fact, Riordan had a 2-to-1 lead over the combined total of Simon and the third candidate in the race, Secretary of State Bill Jones. But last Tuesday Simon crushed Riordan, with 49 percent of the vote to Riordan's 31 and Jones's 17. In so doing, he earned the right to challenge the man largely responsible for his victory—incumbent Democratic governor Gray Davis.

Davis spent $10 million dollars during the Republican primary, most of it on ads attacking Riordan, whom Davis advisers considered their toughest potential competitor. Top California Democrats have already dismissed Simon as "road kill," and Davis wasted no time in labeling his opponent a fringe candidate, a far right-winger out of step with average Californians.

To make that point, Davis kicked off his general election campaign by talking mainly about social issues—gun control, gay rights, and especially abortion. Simon, naturally, is talking about those issues that make Davis one of the most vulnerable incumbent governors up for reelection this year—energy woes, the struggling economy, and a historic California budget deficit. In one recent *Los Angeles Times* poll, nearly 4 in 10 *Democrats* said they were not impressed with Davis's leadership in his first term.

Two tenets of conventional wisdom will thus collide in California this year: On the one hand, we're told, conservatives can't win in the state. But on the other, neither can a deeply unpopular incumbent in times of economic difficulty.

Last Wednesday, March 6, when Richard Riordan finished a brief concession speech at a post-primary "unity breakfast," the first man on his feet, applauding enthusiastically, was Bill Simon. Moments later, Riordan stood between Simon and Bill Jones, the three posing like victorious boxers, their clasped hands held high. When photographers rushed to take pictures of the trio, Riordan graciously stepped aside, nudged Simon to the center, and brought full-circle one of the more bizarre primaries in recent memory.

When Bill Simon first began giving serious consideration to the governor's race in late 2000, he turned to Riordan for advice. Simon, the son of Nixon-era Treasury secretary William E. Simon, had been friends with the L.A. mayor for years. They attend the same church and share interests in politics and philanthropy. Riordan had no plans to run himself, and enthusiastically encouraged the nascent Simon for Governor campaign. In January 2001, Riordan hosted a dinner attended by many top California Republicans. He introduced Simon as a "potential gubernatorial candidate," and urged others to consider supporting his friend.

Simon's political experience was scant. He was a successful investor and generous philanthropist. He helped establish PAX-TV, the family-friendly television cable network, and served for a spell on the board of the Heritage Foundation. Before that, he had worked for three years under then-U.S. attorney Rudolph Giuliani in New York. Simon moved to Southern California in 1990 to set up a

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West Coast office of Simon and Sons, the investment firm he controlled with his father and brother, Peter.

Simon tapped his own network and Riordan's and, pleased with the feedback he was getting, set up a three-month exploratory committee and geared up for a campaign against Secretary of State Jones.

That summer, though, Riordan had a change of heart—one he says was inspired by the White House. Riordan received a call from President Bush on May 1. Reports at the time indicated that Bush wished Riordan a happy birthday and encouraged him to consider running for governor. "I think he sees this as a chance to revive the party, and the president was extremely encouraging and very persuasive," Riordan told the *National Journal*. "As you know, the Republican party in California has been an endangered species now for several years."

Others say the White House was not keen on any of the three, and simply settled on Riordan because he was most likely to give Davis a good race. Supporting Jones was never an option. After first backing Bush in the 2000 presidential primary, Jones made a high-profile switch to John McCain after McCain had shown himself to be a viable candidate.

The White House also had issues with Simon. When Simon's dad was in the Nixon and Ford administrations, a young man named Gerry Parsky worked under him, later going into business with the elder Simon. After several years of successful ventures, Simon Sr. and Parsky had a bitter split, each publicly accusing the other of duplicity. That dispute is still being litigated (Simon Sr. died two years ago), and several sources say hard feelings remain between Parsky and the younger Simon. (Bill Simon Jr. denies that, saying that the lawsuit "isn't even relevant today," adding, "Gerry and I have a fine relationship.")

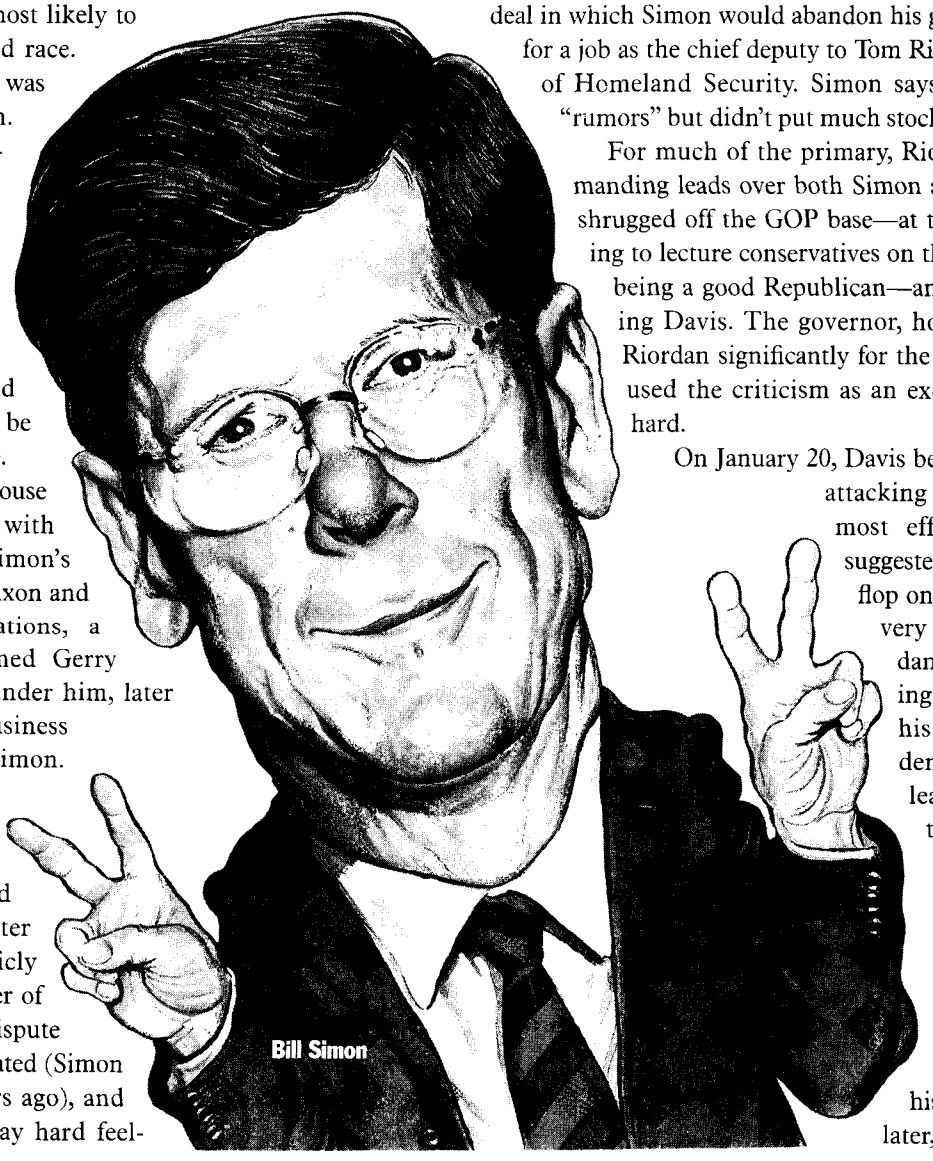

Illustration by Drew Friedman

Parsky today is George W. Bush's top adviser in California. "Almost nothing happens in California with the White House or cabinet members unless Parsky is on board," says one top Republican in the state. Parsky was not "on board" for a Simon candidacy initially and, even after the primary victory, is publicly doubting Simon's chances. "If you are an extreme conservative, you cannot win in California," Parsky told the *New York Times* late last week.

And that left Riordan. There are conflicting accounts as to exactly how actively the White House sought to help Riordan. At least once, the White House appeared to give Riordan a heads-up on an upcoming policy initiative, providing the mayor an opportunity to look both prescient and connected. And several sources mentioned a proposed deal in which Simon would abandon his gubernatorial bid for a job as the chief deputy to Tom Ridge in the Office of Homeland Security. Simon says he heard such "rumors" but didn't put much stock in them.

For much of the primary, Riordan held commanding leads over both Simon and Jones. So he shrugged off the GOP base—at times even seeming to lecture conservatives on the finer points of being a good Republican—and started targeting Davis. The governor, hoping to weaken Riordan significantly for the general election, used the criticism as an excuse to hit back hard.

On January 20, Davis began running ads attacking Riordan. The most effective of these suggested a Riordan flip-flop on abortion. At the very same time Riordan was criss-crossing the state touting his pro-choice credentials, Davis unleashed an ad featuring Riordan's thoughts on abortion from more than a decade earlier ("I think it's murder").

Simon began his ads a short time later, and Riordan's

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support began to crumble. One ad featured a strong endorsement of Simon from his old boss Giuliani, now one of the most popular public figures in America. And when Giuliani came to California in February to stump with Simon, he finally caught up with Riordan.

As internal polls showed Simon pulling ahead, Riordan panicked and started flailing at Simon, in ways that no doubt have Gray Davis's ad team excited about next fall. Simon had "turned out to be a sanctimonious hypocrite," Riordan said. And using language that couldn't have been better scripted by Davis strategist Garry South, Riordan added, "I didn't realize how extreme [Simon] is."

Such attacks stung Simon, not because they came from the vanquished frontrunner, but because they came from a friend. In the days before the primary, Simon had publicly predicted that he and Riordan would "be friends again, just like we were before." But his advisers and top Republicans in California and Washington weren't quite as sanguine. Those doubts gave way to a tremendous sense of relief when Riordan graciously conceded on Election Night and gave Simon his spirited backing at the "unity breakfast."

Riordan declared Simon "the hope to bring back glory to the Golden State." He said his old friend was just the man to "get rid of Gray Davis." That task began in earnest on Wednesday, even as Republicans try to understand exactly what happened in the primary.

The White House says the Riordan campaign was inept. Riordan says $10 million in Gray Davis ads was decisive. Simon says his ideas carried the day. And in the final analysis, they're all right.

For Gray Davis, the March 5 primary was a formality. He used his speech that evening to set the tone for the coming campaign against Simon. And the first policy issue he raised in that speech was abortion. He mentioned it at every stop on his statewide victory lap the following day.

At first blush, abortion is a curious topic to choose as the centerpiece of a gubernatorial campaign. By Davis's own tally, he has signed just seven abortion-related bills in his first three years in office. (Local experts say the total number of bills Davis has signed is easily in the thousands.) And, of course, the precise effect of *Roe* v. *Wade* was to remove the issue from the purview of states and governors. But Davis seems determined to avoid distractions like discussions of his record, and if the first few days of the campaign are any indication, Simon and Davis will spend the next eight months essentially talking past each other.

Consider this exchange with Judy Woodruff on CNN's *Inside Politics* the day after Simon won the GOP primary.

> WOODRUFF: Another thing Bill Simon said last night, he said you turned what was an $8 billion budget surplus in the state of California into an enormous record deficit. And he said you tried to hide the red ink.
>
> DAVIS: Bill Simon's vision of the future is totally out of step and out of sync with California's. He's pro-life, pro-gun, pro a crazy deregulation scheme and pro-privatization. This is not California's vision of the future. I am proudly pro-choice. I signed the toughest gun safety laws in America. And I solved, as best any governor can, this crazy deregulation scheme I inherited.

True, answering a budget question by calling your opponent pro-life will seem silly to voters who pay attention to such things. But Californians should get used to such non sequiturs, because Davis will return to abortion again and again, largely for three reasons.

One, Davis has successfully exploited the abortion issue to topple two recent challengers—former California attorney general Dan Lungren in 1998, and Riordan in this year's primary. If one can help defeat a famously pro-choice Republican like Riordan by questioning his views on abortion, the thinking goes, surely a pro-life political newcomer will be even easier.

Two, reporters are overwhelmingly pro-choice, and are always eager to report, write, and broadcast stories on abortion. This is especially true in gender-obsessed California. The day before Simon swept to his historic victory, *San Francisco Chronicle* reporter Carla Marinucci gave this account of his campaign on *Inside Politics*: "Simon has had some problems in the last days of his campaign. He doesn't have a single woman in a visible role in the campaign. That is a glaring omission in California, where the women's vote is very, very important and Latinos, too."

That was a "problem" only because Marinucci had just written an article for the *Chronicle* comparing the number of high-visibility women in the Riordan and Simon campaigns, something even the most concerned voter would be unlikely to do.

Two days after Simon's primary win, a reporter for one of California's top papers sat down for a one-on-one interview with Simon adviser Sal Russo. He peppered the strategist with six consecutive questions about abortion, and returned to the topic later in the interview. Why ask about water reclamation, energy contracts, or budget deficits, when, taking your cues from the governor, you can talk about a woman's "right to choose"?

Finally and most obvious, Davis wants to talk about anything other than the issues that have consumed most

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of his time for the last three years—energy shortages, the sagging economy, and more recently a ballooning budget deficit.

Davis reasonably suggests that he inherited some of the state's massive energy problems. But California voters don't seem to be making that distinction. And they give him very low marks for his leadership on the issue, saying that he was late in recognizing the severity of the problem.

The slow national economy hit high-tech California particularly hard. And while Davis points out that he has presided over the creation of 900,000 new jobs, few analysts believe he'll get points from voters for that. "It's like him taking credit for the turn of the century," says Bill Whalen, a former speechwriter for Pete Wilson and a fellow at the Hoover Institution, who believes Davis is one of the most vulnerable incumbent governors in the nation in 2002. (Whalen says, by comparison, Pete Wilson oversaw the creation of 400,000 new jobs in his last full year.) "It's just hard to see how the quality of life has improved under Davis."

The economic slowdown is one of two factors leading to what may become Davis's biggest problem: He turned an $8 billion budget surplus when he took office into a $17 billion budget deficit today. Some of this may just be bad timing. But critics say Davis ignored signs of the coming recession, and at the same time grew government spending at an explosive rate—37 percent over his first two years. By comparison, most other large states kept spending growth to single digits. And Davis, unlike President Bush, can't blame deficits on a war on terrorism.

Unless the economy improves dramatically in the next two months, Davis's budget woes will likely get worse. Deficit figures will be adjusted in May, and several experts believe those numbers will worsen, presenting Davis with an unenviable choice: Cut government programs and risk upsetting his liberal base, or raise taxes and risk upsetting everyone else.

As much as Davis tries to shift blame from himself, voters here seem to hold him responsible. While poll numbers for other California politicians—the state legislature and senators Barbara Boxer and Dianne Feinstein—have remained constant or even improved, Davis's approval ratings have dropped.

If Bill Simon can keep voters' attention on Davis's record, he will present Davis with a strong challenge in November. If he can't, it certainly won't be for lack of trying.

Michael Ramirez

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the Right.
ks, *right* here.

"Disgraceful." That was former president Jimmy Carter's word for the final days of the Clinton administration. But as the late Barbara Olson shows in this riveting book, it was worse than disgraceful; it was well-nigh criminal.
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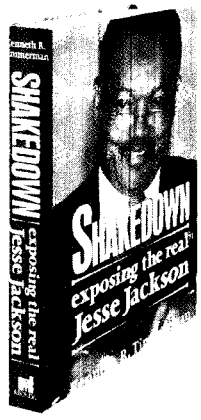

Shakedown – He calls himself an advocate for "the poor" — but lives more lavishly than the CEOs from whose companies he extorts millions. He pretends to represent the interests of blacks — but consorts with oppressive African dictators. He claims the title of "Reverend" — though he was never properly ordained. Who is the *real* Jesse Jackson?
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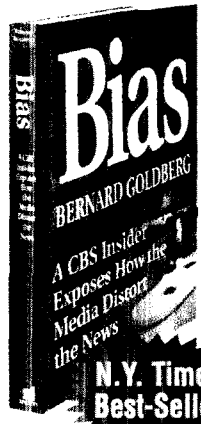

Bias — In this jaw-dropping exposé, Emmy Award-winning broadcast journalist, and 28 year CBS News journalist, Bernard Goldberg reveals how liberals dictate what you see and hear on your nightly news—how they hide the truth and use the news to further their liberal agenda.
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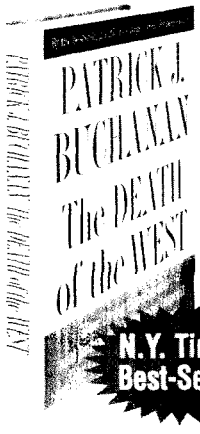

The Death of the West – American policies have turned white Americans into second-class citizens, and, if we don't pay attention, Buchanan proves the worst is yet to come. In this Best-Seller, Buchanan declares that the United States will become a Third-World nation by 2050, unless we take action *now*.
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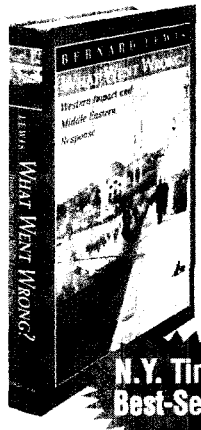

What Went Wrong? – It didn't start with Osama or the Palestinians: the roots of terrorism in the Middle East are much deeper than most Westerners understand. Tracing military, economic, social, cultural, and scientific developments, *What Went Wrong?* explains how and why the West was able to overtake and finally overwhelm the Muslim world.
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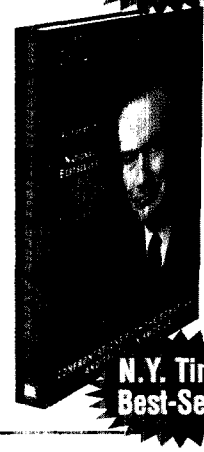

No Spin Zone – Enter Bill O'Reilly's *No Spin Zone*, the lively truth detector that the conservative newsman created on his hit Fox News TV show *The O'Reilly Factor*. Here is a place where deceivers and dirty-tricks experts face a few uncomfortable facts and questions — questions that the media is usually too fawning and ideologically corrupt to ask them.
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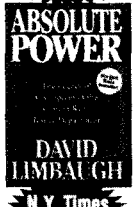

Absolute Power – David Limbaugh fearlessly reveals how far the Department of Justice fell during the misrule of Bill Clinton. We knew Janet Reno was corrupt, but now see how far she went to serve and protect the political interests of Bill Clinton and Al Gore. A stunning and haunting read that no lover of freedom can ignore.
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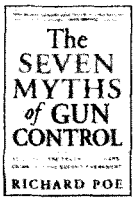

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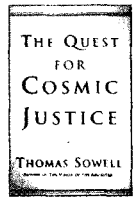

The Quest for Cosmic Justice – Leading conservative scholar Thomas Sowell demolishes both the practical and moral claims of America's social utopians. He sees a "quiet repeal of the American Revolution" that diminishes our liberties under the guise of "social justice" and progressive utopian ideals. His vision can help us combat this downward spiral.
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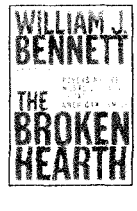

The Broken Hearth – From the dramatic rise in divorce, cohabitation, and single parenthood to the call for recognition of "gay marriages," the traditional family is being radically challenged. Now, Bennett exposes the devastating effects of this development and outlines a positive strategy for reversing the damage.
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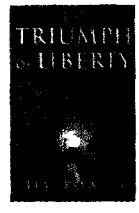

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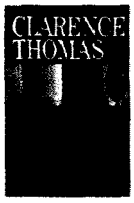

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At a press conference the morning after his victory, a reporter asks Simon whether he intends to answer or avoid questions about social issues. Simon's answer—he's going to avoid them—reflects either the naivete one might expect from a political neophyte or the message discipline of a seasoned candidate.

"Social issues to me are not the centerpiece of my agenda," he says. "I want to spotlight my ideology of smaller government, local government, individual empowerment, and opportunity."

Several times in an interview last Thursday, Simon gently scolds me for asking about politics, process, and, yes, abortion. "Every second we spend not discussing Gray Davis's record is a wasted second," he admonishes. It was virtually the only time all week that his boyish, toothy grin disappeared from his face.

This pleasant demeanor and general friendliness will make it hard for Davis to cast him as a fire-breathing right-winger. And it serves him well on the trail, making up for the campaigners' tricks he has yet to acquire.

On Thursday—education day for the Simon campaign—the first stop was Camellia Basic Elementary, a magnet school in Sacramento. Simon spent much of the bus trip from the airport to the school fielding questions from reporters on such topics as campaign funding and his friendship with Riordan. But Camellia School fifth graders asked tougher questions.

"What are you going to do if you lose?" asked one. "Do you get nervous before you have to give a speech?" wondered another, no doubt summoning a good bit of courage himself, with a half-dozen TV cameras in his face. (Simon's answers: "Help Californians in other ways," and, "I used to, but not anymore.")

Simon concedes he's still learning the fine art of campaigning. There are awkward moments at each of the schools. Simon's demeanor betrays the fact that there's something just plain weird about walking into a classroom of first graders, listening to them read aloud for two minutes, congratulating their teacher, moving down the hall, and getting worked up over someone else's kid's science project. Still, while he isn't as smooth as a more practiced public figure, he comes across as interested in the kids and their studies.

He's also adjusting to his newfound celebrity. Before he emerged as a serious candidate, he spoke mostly to small audiences with perhaps a few local reporters in tow. Now, he's doing live interviews with CNN, and his press staffers are fielding calls from *Meet the Press* and *This Week*. The day after he won, he gave 29 different interviews.

Later on Thursday, Simon was greeted warmly by students at a high school outside of San Francisco. Though it wasn't billed as open to the public, his visit drew several other members of the Burlingame community, including two middle-aged men with "Gray Davis for Governor" signs. Mike Murray, a leader in the local Democratic party, also came to see Simon in person. But he wasn't there to protest.

"I just want to hear what he has to say," explains Murray, who briefly introduced himself to the candidate. "He's talking about the issues I care about—energy, schools, and taxes. I hate to say it as a Democrat, but I'm getting sick of the taxes. People are moving out of our state because of taxes. Old people can't afford to retire here anymore—they go to Florida." Murray hasn't committed to Simon quite yet, but he says he's not a Davis fan.

Later, when I ask Simon about his crossover appeal and his campaign's plans to create a bloc of Simon Democrats, he mentions Murray by name. (That alone is impressive, as Simon met hundreds of potential voters over the course of the 12-hour trip.)

Winning the support of moderate Democrats won't be easy, especially since Davis still has more than $25 million to spend on the race, after spending $10 million on the GOP primary. Simon, who is personally wealthy (he won't say how wealthy), says his campaign will be adequately financed. He estimates that he will need $30-$40 million to remain competitive over the next eight months—a goal that means he will have to raise money or self-finance at a rate of $1 million per week. "I will wage a credible campaign," he insists, indicating a willingness to spend some of his own money, but insisting that he will be successful in raising funds from others. "Outside support is key. If you can't get people to support you not only intellectually and emotionally, but also financially, then you're not a good candidate."

That fund-raising started as soon as he won the primary. "I had lots of people that said, 'You seem like quite a nice young man—talk to me after the primary.' Now, many of them are calling me, and we're calling all of the others."

The Simon upset is already being compared to another race for California governor, the one in 1966. That year, Democratic incumbent Pat Brown desperately wanted to avoid facing a moderate, big-city mayor in the general election, San Francisco's George Christopher. Instead, Brown wanted to face a political unknown he figured was too conservative for the California electorate. Brown got his wish, and Ronald Reagan went on to beat him in the general election.

Simon's advisers love that comparison, of course, but even Simon acknowledges that he's not a second Ronald Reagan. "We have a lot of the same ideas, but I'm not nearly the great communicator he was," says Simon. "Yet." ♦

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Losing the Middle East?

When it comes to peacemaking, don't trust the Saudis and Egyptians.

By Reuel Marc Gerecht

Do the Arab leaders of the Middle East think we're clever? Or to put it more politically: Do they think we can tell the difference between friend and foe? Among Arabs themselves, knowing who the good guys are has long been a devilishly difficult task, since the great divide—believer and infidel—is usually of little use in separating sides. From the tenth century on, the Middle East has been overwhelmingly Muslim, yet shifting allegiances and war were the common state of affairs between Muslim potentates. In contemporary times, it's only gotten worse since traditional ties of kith and kin—the second skirmish line of the Arab identity—have been extended into nation-states where modern ideologies have devolved into brutal despotisms that rely primarily on family, often with fratricidal intensity. The Assad regime in Syria, like Saddam Hussein's Baath party in Iraq or Yasser Arafat's Palestine Liberation Organization, can be a friend one day and try to kill you the next.

Fortunately, we don't have to play in intra-Arab politics. Knowing thine enemy for Washington ought to be an easier task. Which of course provokes the question: What in the world is the Bush administration doing indulging Saudi crown prince Abdullah's "peace" initiative? Why did the administration send the director of central intelligence, George Tenet, whose CIA credentials give him enormous significance in the conspiracy-laden Muslim world, to speak directly with Abdullah, as would a vassal to his lord? Why is the administration again sending General Anthony Zinni to the Middle East when there is an absolute certainty that in his mission he will appear feckless? And his fecklessness—made worse, of course, because Zinni is a renowned military man with quintessential American looks—will only undermine the more important, Iraq-related objectives of Vice President Dick Cheney's upcoming journey through the region.

An administration self-confident in war now insists on dissipating its awe by allowing itself to appear panicked by the Israeli-Palestinian "cycle of violence," warnings from the rulers of Egypt and Saudi Arabia, and a Gallup poll depicting America in a bad light among the Muslim masses. Whatever one thinks about polling as a valuable social-science tool—and using polls in closed, distrustful Muslim societies is dubious—the publication of the Gallup poll at the same time as Abdullah's "peace" proposal and Egyptian president Hosni Mubarak's visit to Washington is an exquisite irony. In the Arab world, no two states have done more to fan hatred of America than have Washington's two primary Arab "allies."

Prince Abdullah and President Mubarak encouraged Yasser Arafat to trash the Camp David talks with President Clinton and Israeli prime minister Ehud Barak in July 2000. Does the administration really believe that Abdullah has now abandoned the principles that define his identity, his faith, and his country's foreign policy? It is inconceivable that Abdullah now wants Arafat to accept less than what Abdullah, Mubarak, and Arafat rejected before. The only statements that matter are those that are publicly expressed in Arabic to the Arab world, and the three gentlemen have given no indication whatsoever that Arafat's decision to scuttle the Clinton administration's diplomacy was wrong.

Is it at all reasonable to believe that Prince Abdullah, a devout Muslim who with his family rules over the oldest, most militant Islamic state, could ever imagine an Israeli embassy in the "country of the two Holy Places" (Mecca and Medina), a land whose better-educated denizens can explain to you at length how a Jewish cabal is trying to ruin the Arab and Muslim worlds and despoil "Christian

Reuel Marc Gerecht is a resident fellow at the American Enterprise Institute.

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America"? And Riyadh, with its American-educated bureaucrats, is enlightened compared with Saudi Arabia's Wahhabi heartland in the Najd, where if a referendum were taken tomorrow about restoring slavery—banned in the Kingdom only in 1962—it might pass.

Behind our backs, and often to our faces, Egyptian and Saudi officials have belittled us. In their state-controlled (in the Saudi case, family-owned) media, Egypt and Saudi Arabia have relentlessly attacked us and advanced Nazi-like anti-Semitism throughout the Muslim world. Since September 11, it does not appear that Saudi missionaries and Saudi-financed religious organizations—preeminently the World Muslim League (*ar-Rabita al-Islamiyya al-'Alamiyya*)—have in any way altered their message of contempt and hatred for the West. I've recently visited Saudi-financed proselytizing organizations in Western Europe, and they still reek of studied loathing for the United States.

And the Egyptian government is no better. When in Washington, President Mubarak was concerned with helping America in the Middle East; in Egypt, he is in the process of destroying the American University in Cairo, which along with the American University of Beirut has been the great symbol of American education and culture in the region. Avaricious and power-hungry, Mubarak's wife has led the charge to force the sale of AUC in downtown Cairo so that Mubarak, Inc., can tear down the gracefully crenellated university to build luxury high-rises and other profitable enterprises. In compensation, the Egyptian government has generously donated land in the desert for a new university.

Hosni Mubarak, who increasingly appears as a cross between Pharaoh and a well-manicured Tony Soprano, tells his people with his words and deeds that his dominion is unchallengeable, that he can command America's attention and largesse (currently around $2 billion per annum), and belittle the United States as he chooses in downtown Cairo. During his dictatorship, Egyptian president Gamal Abdel Nasser loathed seeing the American flag fly above the American University and often launched menacing words toward the institution. But he never touched it. "Our friend Hosni," as American officials have often referred to the Egyptian, intends to demolish it.

It is no coincidence that the two countries whose political and educational systems produced September 11 are now promoting a new Arab-Israeli "peace process." They have, with the assistance of the *New York Times*'s Thomas Friedman, successfully turned the conversation away from September 11 to the much more familiar and far less threatening subject of the Arab-Israeli clash. If they can make the Americans believe that the Israeli-Palestinian confrontation can upend the U.S. strategic position in the Middle East by threatening to awake the mythical "Arab street," and if they can successfully imply to Washington that the Israeli-Palestinian "cycle of violence"—that is, the Israeli military response to Palestinian terrorism—may unleash further kamikaze holy warriors against America, then they can probably put U.S. foreign policy in the region on the defensive. The Bush administration's evident desire to have Muslim cover for U.S. military action in the Middle East—now in Afghanistan, tomorrow in Iraq—encourages Cairo and Riyadh to believe they can indeed obtain some kind of a check on U.S. policy by playing the Palestinian card.

Washington needs to wean itself from viewing the Israeli-Palestinian collision as the center of the Middle East. We have lived for decades with the imminent threat of the Arab street. The Near East Bureau of the State Department, and easily panicked U.S. embassies and consulates in the Muslim world, have often written about the doom and gloom just beyond the barbed-wire walls. Yet not once has the street arisen. It is very unlikely that Hosni Mubarak's rule in Egypt or the House of Saud's rule in Arabia is at all threatened by the Israeli-Palestinian confrontation. Just the opposite is nearer the truth. Mubarak and the Saudi family are quite adept at encouraging public anger against the United States to protect and fortify their despotic regimes, to make them seem one with the people—a hard trick given that Mubarak, who likes to spend his time at luxurious Sinai resorts, and the oil-fattened Saudi royal family live distinctly uncommon lives. But the Egyptians and the Saudis deserve praise: It requires political dexterity and subtlety to run effective dictatorships that can nevertheless elicit American support by suggesting their fragility. Iran's Islamic revolution also helps: It spooks us and emboldens them.

But September 11 should have told us that we must break free from the State Department's traditional interpretation of the Middle East. Before the war in Afghanistan, Osama bin Laden and al Qaeda saw us as weak. Bin Laden, like most if not all Muslim fundamentalists, viewed the 1990s as a time of American retreat. President Clinton's failure of nerve in Somalia, his palpable fear of confronting Saddam Hussein militarily, and the administration's botched coup and abandoned Iraqi opposition were seen by many Muslims, certainly by the fundamentalist set, as proof that Americans no longer were, as bin Laden put it, "the strongest horse." The psychological impact of the Israeli-American embrace of the Oslo process, which essentially amounted to the joint hope that Israeli concessions could somehow propitiate the PLO's deep yearning for the eradication of the Jewish state, further inflamed the militants' hope.

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The Islamic kamikazes in Israel are not blowing themselves to bits because Israel refuses to give back all of the "settlements," which comprise a bit less than 1.5 percent of the West Bank and Gaza; they are not killing themselves because of where and how a sovereignty line should be drawn in East Jerusalem. (These are issues about which secularized Muslims and American newspapers grow angry.) They certainly don't blow their intestines all over the streets, as President Mubarak suggested, because they have no hope economically. If this were the case, Cairo's roads would be splattered crimson, since the average Palestinian certainly has more economic hope than the average Cairene.

Palestinian holy warriors are martyring themselves because they believe that with God's help they can smite the Jews and take back all that they believe was theirs. Muslim holy warriors, be they the men of al Qaeda, the Iranian boys who rode across minefields on motorcycles in the Iran-Iraq war, or the Palestinians who rap their heads with Quranic surahs in their goodbye videos, are individuals who operate from hope, not despair, who see their sacrifice as a starring role in a passion play of Good versus Evil. Islamic militants don't want to compromise with Israel any more than Osama bin Laden wants to compromise with America.

Yitzhak Rabin and Shimon Peres gambled that by resuscitating Arafat and the PLO as a negotiating partner they could create a thankful petty dictator on the West Bank and Gaza who would control the passions of the Palestinian people. For decades, the PLO chairman had fed Palestinians the promise that one day Israel would cease to exist. Arafat, who has lied about almost everything to almost everyone, has however been faithful to his youthful dreams forged in Egypt's oldest fundamentalist organization, the Muslim Brotherhood. He, too, really can't see Israel and a Palestinian state coexisting. It is extremely doubtful that Arafat's muscle men, lieutenants like Marwan Barghuti, Muhammad Dahlan, and Jibril Rajub, can stomach the idea either. Too many young Palestinian men carry the disease—the religiously inspired hope that they can through violence wear down the Israelis—for negotiations between Israelis and Palestinians to have any value.

Yasser Arafat

Illustration by Drew Friedman

Only an overwhelming Israeli military victory against the Palestinian Authority, in particular against Arafat's men, will likely burn out the hope that Palestinian fighters and kamikazes can eventually bring Israel to its knees. Israel is now just about where King Hussein was in August 1970, when Yasser Arafat and his men threatened to bring down the Hashemite monarchy and replace it with a radical Palestinian state east of the Jordan river. King Hussein, after girding his loins, struck back with his Bedouin Legion, killing around 5,000 Palestinians.

Contrary to Secretary of State Colin Powell's bloodthirsty aspersion on the Israeli prime minister, Ariel Sharon has shown little appetite for the type of warfare that King Hussein used against Palestinians. Sharon's tactics with armor, helicopters, F-16s, and targeted killings of Palestinian extremists have all been designed to minimize both Israeli and Palestinian casualties. If Arafat's lieutenants are going around giving out their traceable cell-phone numbers to American journalists, you can rest assured that the Palestinian Authority doesn't really believe its own rhetoric about the lethality and savagery of Israel's military actions.

Which isn't at all surprising, of course, since the Israelis have become so profoundly Americanized. It's a decent bet that when Palestinian fighters look at their enemy even now, after Sharon's harsher words about relentlessly pounding Palestinian targets, they don't see a tough, unrelenting foe. Arabs are fond of exaggerated, grandiose language; older Palestinians, who can remember Lebanon in 1982 and Jordan in 1970, know what a determined enemy really is. Israelis are overwhelmingly sensible, liberal- minded people who are obviously scared of reoccupying the West Bank. Yasser Arafat, his lieutenants, and the Palestinian holy warriors can surely smell that fear and find it inspiring.

Though Secretary Powell's sympathy for the Palestinians that he so forcefully expressed in Congress is estimable, his critique of history—that wars

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don't settle disputes between hostile parties—is just not true. Wars are the primary, and easily the most successful, instrument for resolving conflict. We may morally recoil from what war demands of us—and in that revulsion lies our humanity—but it is preposterous to suggest that diplomacy has any relevance when your enemy is hurling suicide bombers at you. The "peace process" for years, probably decades, is finished.

In the Middle East, America's awe—the key element that gives both us and our Israeli and Arab friends security—can only be damaged by a Bush administration publicly fretting about Ariel Sharon's prosecution of his war against the Palestinian Authority. Though the Near East Bureau at State hates the notion, the tougher Sharon becomes, the stronger our image will be in the Middle East. But we need to realize that Israel has not the capacity to make or break us in the region. As Ayatollah Khomeini so felicitously put it, we alone are "the Great Satan." We sink or swim by whether the United States can project indomitable power, thus banishing bin Laden's depiction of us as spoiled and bereft of staying power.

The coming war with Saddam Hussein's Iraq—whether we have the wisdom and tenacity to crush the Baathist regime and patiently replace it with some kind of liberal, democratic order philosophically inimical to the regimes in Saudi Arabia, Egypt, and Iran—will decide our fate in the Middle East. The war on terrorism, like the Gulf War, will just be a prelude to more wars unless we begin in earnest the daunting effort to aid Muslims to live in societies free of holy warriors and despots. But if we do try to help them enjoy what we consider our birthright—and President Bush's assertion that we will was the most arresting, promising, and revolutionary part of his "axis of evil" speech—the Muslim allies the administration seems so scared of losing will surely abandon us anyway.

As the Israeli-Palestinian conflict rolls on and America prepares for war against Iraq, the administration should perhaps consider the advice of the 11th-century theologian Ibn Hazm:

> He who befriends and advances friend and foe alike will only arouse distaste for his friendship and contempt for his enmity. He will earn the scorn of his enemy and facilitate his hostile designs; he will lose his friend, who will join the ranks of his enemies.

Ibn Hazm's counsel converted into policy means that Washington should tell Egypt and Saudi Arabia that Israel's right to respond to terrorism is unquestioned and that we are going to war against Iraq. They are either with us or against us. The theologian, a redoubtable man, would also tell the Mubarak family to keep its hands off the American University of Cairo. ♦

Michael Ramirez

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Sheikh Gilani's American Disciples

What to make of the Islamic compounds across America affiliated with the Pakistani radical group Jamaat al-Fuqra?

By Mira L. Boland

Wall Street Journal reporter Daniel Pearl was kidnapped when he went looking for the leader of a group called Jamaat al-Fuqra in the terrorist bazaar of Pakistan. At the time he disappeared, Pearl was tracking reports that Fuqra had hosted would-be shoe bomber Richard Reid at its walled compound in Lahore. In the end, it was agents of another group that spirited Pearl off to his death, but Fuqra remains a subject of interest, and not only because of its activities in Pakistan. For Fuqra has had a disturbing U.S. presence for more than 20 years. Today, half a dozen Fuqra residential compounds in rural hamlets across the country shelter hundreds of members, some of whom, according to intelligence sources, have been trained in the use of weapons and explosives in Pakistan.

Fuqra's founder and chief, the man Pearl sought to interview, is a rotund Kashmiri of Sufi background with long-standing ties to Pakistan's Interservice Intelligence Agency (ISI), Sheikh Mubarik Ali Hasmi Shah Gilani. At least until President Musharraf's decision last fall to support the American war on terrorism, the ISI sponsored terrorist training camps in Pakistan and Pakistani-controlled Kashmir. Sheikh Gilani has rubbed shoulders at international terrorist confabs with gunslingers from Hamas and Hezbollah, their mullah backers, and Osama bin Laden. And he has trained fighters for the battlefields of Kashmir, Chechnya, and Bosnia.

Gilani launched his U.S. operations in 1980. Within ten years, Fuqra's communes were billing themselves as havens where Muslim converts—many of them inner-city blacks, sometimes recruited in prison—could build new lives. At least seven such communities are active today, in Hancock, N.Y.; Red House, Va.; Tulare County, Calif.; Commerce, Ga.; York, S.C.; Dover, Tenn.; and Combermere, Canada. While some of these enclaves contain only rudimentary buildings and trailers, the California compound has 300 residents on a 440-acre spread, according to a recent report by a local ABC station. Residents deny any involvement with terror, but Fuqra has a history of getting into trouble with the law.

Over the years, at least a dozen Fuqra members have been convicted of crimes including conspiracy to commit murder, firebombing, gun smuggling, and workers' compensation fraud in the United States or Canada. And Fuqra members are suspects in at least 10 unsolved assassinations and 17 firebombings between 1979 and 1990. Nor is Fuqra's criminal activity all in the past. In the last year alone, a resident of the California compound was charged with first degree murder in the shooting of a sheriff's deputy; another was charged with gun smuggling; the state of California launched an investigation into the fate of more than a million dollars in public funds given to a charter school run by Fuqra leaders; and two residents of the Red House community were convicted of firearms violations, while a third awaits trial.

Harder to document publicly but affirmed by several investigators and intelligence sources are the group's continuing links with guerrilla training in Pakistan. But then elusiveness is the order of the day for an organization whose members are well versed in the use of aliases; whose structure, shrouded behind front groups, is a network of safe houses and cells; and whose founder and members consistently maintain that it doesn't exist.

Sheikh Gilani found his first American recruits by raiding the ranks of an existing American Muslim organization, the Dar ul Islam. At a Brooklyn mosque, Gilani, sporting ammunition belts, preached Islam as the path to a better life and called for fighters to

Mira L. Boland's articles have appeared in the Wall Street Journal *and the* Washington Times.

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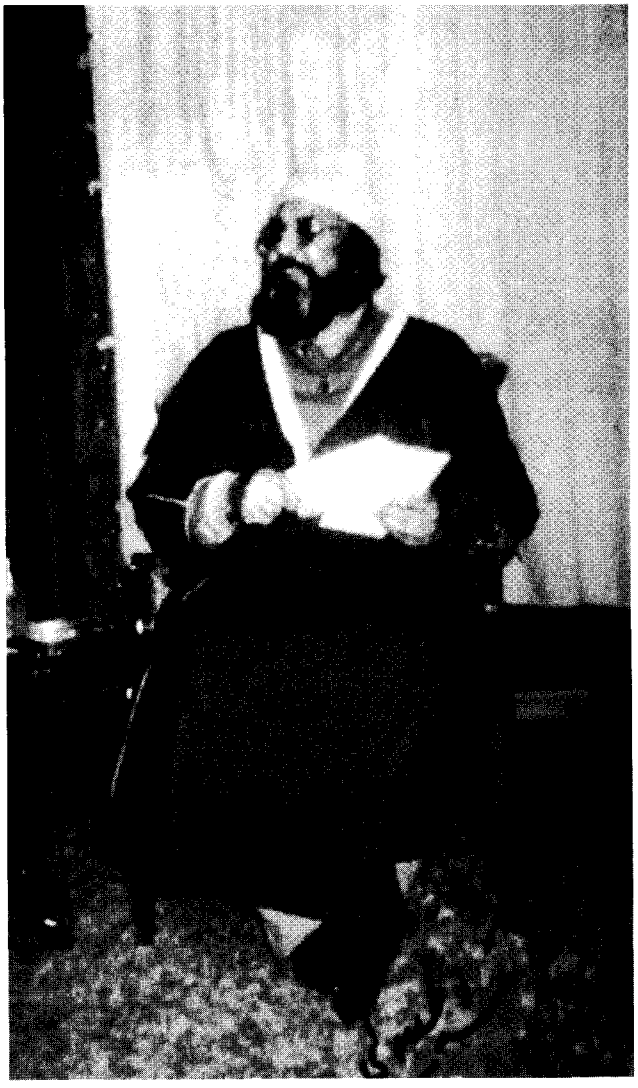
join the holy war against the Soviet occupation of Afghanistan. Under the guise of studying Islam, some of his followers were initiated into the international Islamist movement. Their campaign of crime on U.S. soil began almost at once.

As befits Gilani's close ties to Kashmir and the ISI, Fuqra's early targets in North America were ethnic Indians and sites linked to Indian sects. Thus, in July 1983, Stephen Paul Paster, a ranking member of Fuqra and one of its few whites, blew off most of one hand while planting a pipe bomb at a Portland, Ore., hotel owned by followers of the late guru Bhagwan Shree Rajneesh. At the time Fuqra's principal bombmaker, Paster escaped from a hospital and remained on the lam for two years. After police caught up with him at a Fuqra house in Colorado, Paster served 4 years of a 20-year prison sentence for the bombing. He was suspected but not charged in two other bombings in Seattle in 1984 while he was a fugitive, the bombings of the Vedanta Society temple and the Integral Yoga Society building. Paster now lives in Lahore, where U.S. intelligence sources say he provides explosives training to visiting Fuqra members.

Shortly after the hotel bombing in Portland, two Fuqra members allegedly murdered Dr. Mozaffar Ahmad, a leader of the minority Ahmadiyyah Islamic sect in Canton, Mich. Both suspects died in a fire they had set at the Ahmadiyyah mosque in nearby Detroit, but the weapon used to murder Ahmad was found with their bodies. No one was ever charged in a triple slaying on August 1, 1984, but police suspect Fuqra. The victims were Lela Nevaskar, an Indian national who was in the United States as part of a government-sponsored health project, and her sister and brother-in-law. The three were murdered in a suburb of Tacoma, Wash., during a spate of firebombings of Hindu and Hare Krishna temples in Seattle, Denver, Philadelphia, and Kansas City, Mo. Police found news reports of the Tacoma murders from Seattle papers among Fuqra files seized in a later case.

Fuqra's violence gained wider public notice in 1989, when police, seeking evidence in a series of thefts, searched a storage locker in Colorado Springs. They found a remarkable trove of armaments and documents, with multiple links to Fuqra.

Among the handguns, semi-automatic firearms, more than 30 pounds of explosives, pipe bombs, and bomb components were several bombs of an unusual design identical to that of a device recovered from the firebombed Hare Krishna temple in Denver. There was a large photo of Sheikh Omar Abdel Rahman, the blind cleric who would be convicted in the 1993 World Trade Center bombing,



All photos: Denver Post

A photo of Sheikh Gilani, from the storage locker searched in 1989.

and target silhouettes labeled FBI Anti-Terrorist Team, Zionist Pig, Delta Team, and SAS (British Special Air Service), on which were found the fingerprints of James Donald Williams, Fuqra chief for Colorado, and the handwriting of Vincente Rafael Pierre (of whom more later). There were blank birth certificates, Social Security cards, and several sets of Colorado driver's licenses bearing identical photos but various names.

Among the documents were agreements signed by Fuqra members. They promised to tithe to the organization and to further contribute to the purchase of weapons and land. Those receiving welfare "pledged" to contribute either 75 percent or 100 percent of their welfare checks and food stamps. And they stated, "I, too, am willing to be used as a channel through which *kuffar* [infidel] monies are contributed toward the building of an Islamic town and other allied cities and/or programmes outside the continental United States, as well." Individuals selected to

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One of several target silhouettes found in the locker.

live on compounds agreed to "abide by the law and discipline of Jamaatul Fuqra."

Several documents described the activities and code of the "Muhammad Commandos of Sector 5," who apparently met for training in weapons, hand-to-hand combat, intelligence gathering, explosives, incendiaries, and booby traps, according to Susan M. Fenger, then chief criminal investigator of the Colorado Department of Labor and Employment, who handled the case. And a document headed "Incogs" instructed commandos on ways of blending in with infidels while on an operation.

Finally, the locker yielded what Fenger termed "targeting packets" on potential targets and victims in Los Angeles, Arizona, and Colorado. These included maps of oil and gas fields and electrical facilities, notes on cell phone sites and repeaters, references to the U.S. Air Force Academy and other military locations, and lists of people in 12 states and Canada with Jewish or Hindu-sounding names. A trove of targeting packets tied followers of Gilani to the firebombings of the Hare Krishna temples in Denver and Philadelphia.

One of the packets outlined a murder plot that hadn't yet unfolded—but soon did. The target was a rival imam in Tucson, Rashad Khalifa. Alarmed by interior and exterior surveillance photographs of the cleric's mosque and a four-page handwritten murder plan, Colorado Springs police notified authorities in Tucson, who warned Khalifa he was a marked man. A week later, on January 31, 1990, assailants stabbed Khalifa 19 times. The murder was "a carbon copy of the handwritten plan," said Colorado assistant attorney general Doug Wamsley. The scheme called for attacking Khalifa in the mosque's kitchen at night, proceeding by "the quietest method feasible: knife, garrot [sic]," and eliminating any witnesses. Khalifa apparently had angered Fuqra when he preached that the Quran was written by man, not God.

No one was charged with murder in Khalifa's death, but eventually two Fuqra members, James Donald Williams and Nicolas Edward Laurent Flinton, were charged with conspiracy to commit murder. A Colorado jury convicted Williams in October 1993, but he jumped bail just before sentencing and remained free until he was arrested in Lynchburg, Va., in 2000; at the time Williams was living at the Fuqra compound in Red House. Flinton also fled; arrested in 1996 at a Fuqra community in South Carolina, he pleaded guilty and is currently in prison appealing his 22-year sentence.

Fuqra terrorism in North America appears to have peaked in the early 1990s. In 1991, luck derailed Fuqra plans to bomb an Indian movie theater and a Hindu temple near Toronto. Five men were arrested at the Niagara Falls border crossing after U.S. Customs agents searched their cars and found photographs, floor plans, and videotapes of the interiors of the targets, details of "recon team," "guard team," and "hit team" roles, and a description of how "time delay" bombs could be placed below the cinema floor. A second document stated that targeting a Hindu temple would "allow for total focus on the Hindus without any other party being involved in the fallout." A Canadian jury convicted three American Fuqra members of "conspiracy to commit mischief endangering life." A fourth suspect, Max Lon Fongenie, who had come to Canada from Pakistan shortly before the plot was set in motion, fled back to Pakistan after his co-conspirators' arrest, according to evidence presented at the trial.

By this time, Fuqra was often operating under the cover of two front groups, "Muslims of the Americas" and Sheikh Gilani's "Quranic Open University." On its incor-

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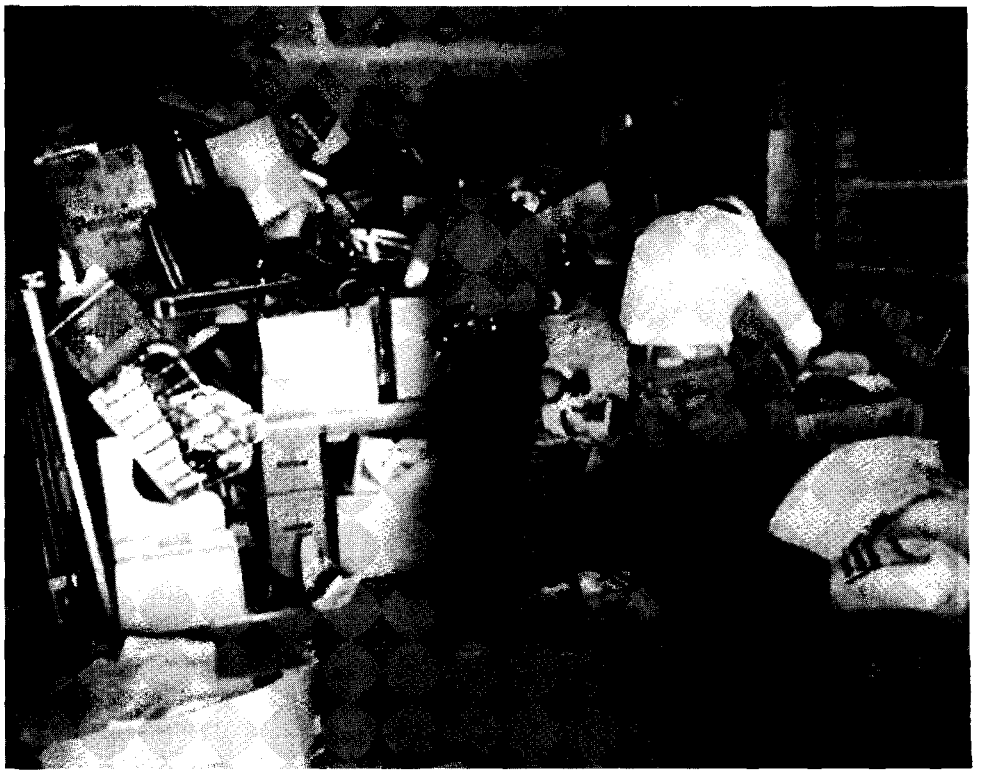
poration papers, the open university portrayed itself as a religious, charitable, and educational institution dedicated to home study and public awareness of the Quran. But Gilani's own writings and statements exposed the militant mission behind this façade.

Thus, works by the sheikh published by the Quranic Open University and seized in a 1991 investigation instructed his followers that their "foremost duty" was "to wage *Jihad*" against the oppressors of Muslims. One of Gilani's poems is entitled "We *dhikr* [pray] to the beat of a submachine gun." Another exhorts, "Come join my troops and army / Says our Sheikh Gilani / Prepare to sacrifice your head / A true believer is never dead / Say 'Victory is in the air' / The *kafir*'s [infidel's] blood will not be spared."



Colorado Springs detectives start to assess the extent of their find.

Gilani's appearance in a recruitment video from this period (seized in 1992 and used in the Canadian trial) is in the same vein. The video shows mujahedeen types being trained in the use of firearms and explosives. Gilani, wearing a camouflage jacket over traditional Pakistani dress, declares: "We give [recruits] highly specialized training in guerrilla warfare. . . . We are at present establishing training camps. . . . You can easily reach us at Quranic Open University offices in upstate New York or in Canada or in Michigan or in South Carolina or in Pakistan. Wherever we are you can reach us."

Even more damning is footage filmed in December 1993 by the Canadian Broadcasting Company when it covered a major jihadist conclave in Khartoum. The meeting was sponsored by then-Sudanese strongman and terror impresario Hassan Abdullah al-Turabi. An urbane, Sorbonne-educated Islamic scholar, Turabi had engineered a strategic alliance among Sunni-dominated Sudan, Shiite Iran, and Pakistan. With funding and expertise from Iran, Turabi made his country the launching pad for the first attack on the World Trade Center.

Turabi also created the Popular Arab Islamic Conference (PAIC) as a vehicle for bringing together Sunni, Shiite, and secular, heretofore Marxist, terrorist groups. The 1993 PAIC conference in Khartoum was a who's who of Islamist terror. Mullahs from Iran and Afghanistan were there, along with delegates from Hamas, Hezbollah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Democratic Front for the Liberation of Palestine. Two generals, one of them a former chief of the ISI, and an adviser to Prime Minister Benazir Bhutto led the Pakistani delegation. Osama bin Laden, not yet a kingpin but living in Sudan while developing the organization and funding for his nascent network, was there. So was Sheikh Gilani: Foreign journalists placed him in the company of an unnamed Pakistani general and another man they took to be an "ex"-Pakistani intelligence official. In the evening, large crowds regaled the assembled jihadists with chants of "Down, down USA! Down, down CIA!," and (in Arabic) "Death to the Jews!"

In an interview taped by the Canadian Broadcasting Company, Gilani acknowledged that one or two of the men charged in the Toronto bombing conspiracy had studied with him in Lahore. Nevertheless, he insisted that Fuqra does not exist and that he does not advocate violence. "Once [people] join our [Quranic Open] university," he said, "they become real good citizens. They stop smoking, they stop stealing, they stop living on welfare. That is what I teach them."

That benign face is the one Gilani's current American followers seek to present to the world. Several Fuqra compounds boast signs at their gates for the

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Quranic Open University or Muslims of the Americas. Residents have told reporters they came seeking refuge from the mean streets. Law enforcement and intelligence sources, however, suggest the drop-off in Fuqra violence in recent years may be due to its sponsors' "tightening the leash" after the earlier attacks drew police scrutiny without advancing Islamist objectives. Fuqra's core of trained operatives in the United States, according to this view, have been directed to lie dormant until needed to support a "cost effective" strike.

Be that as it may, there are plenty of continuing grounds for concern. One is new evidence of misuse of public funds. The California Justice Department is investigating the finances of GateWay Academy Public Charter School. The academy's CEO and superintendent, Khadijah Ghafur, is also secretary of Muslims of the Americas and a member of the board of directors of the Quranic Open University. One of GateWay's 11 campuses is located at Baladullah, Fuqra's compound in Tulare County, in the foothills of the Sierras. GateWay cannot account for $1.3 million in state money, according to Jill Marmolejo, spokesman for the Fresno Unified School District, and is in default on another $1.8 million in loans. The school seemed poised to obtain greater public largesse—it submitted a $5.9 million budget to the board of education for fiscal 2002, apparently based on a wildly inflated student count (charter schools in California receive $4,600 per pupil)—but the district revoked its charter on January 16.

This is reminiscent of an earlier Fuqra scam, the bilking of the Colorado workers' compensation fund in the early 1990s, for which several Fuqra members were jailed. Prosecutors showed that some $350,000 had been laundered through Professional Security International, a Fuqra security firm, and Muslims of the Americas. Investigator Susan Fenger says she tracked a portion of the funds through PSI to Fuqra couriers who traveled to Pakistan.

That security firm also served the purpose of enabling Fuqra members to obtain federal licenses to buy automatic weapons, according to Fenger. And it obtained bid packages from the Defense Department, the Veterans Administration, the Department of Housing and Urban Development, and the Department of Health and Human Services. It is hardly reassuring, then, that Fuqra currently maintains two security firms, Dagger Investigating Services and 786 Security Company, Inc., in Brooklyn, N.Y. Law enforcement sources suspect the group is continuing to launder funds through the firms for transfer to Gilani.

Then there are the recent weapons violations and other crimes. Ramadan Abdullah, charged in the shooting last August of a Fresno County deputy sheriff in the course of a burglary, had come to Baladullah from Hancock. James Hobson, another Baladullah resident, was arrested earlier last year by U.S. marshals and charged with smuggling guns between South Carolina and New York. Hobson, also known as Umar Abdussalam, is the son-in-law of Musa Abdussalam, an elder at Baladullah.

And at the Red House commune—whose origins go back to 1993, after Fuqra abandoned its Buena Vista, Co., location in the wake of conspiracy convictions—agents of the Bureau of Alcohol, Tobacco, and Firearms made three arrests last fall. They charged Vincente Rafael Pierre and his wife Traci Elaine Upshur after she made "straw purchases" of .45 caliber handguns that her husband had selected. As a felon (he pleaded guilty in the workers' compensation scam), Pierre is not allowed to own firearms. A jury convicted both. A third Red House resident, Abdullah Ben Benu, is scheduled for trial in April for illegally transporting ammunition for AK-47 automatic rifles. Here, again, a trail leads back to Pakistan: The woman who raised Ben Benu is living in Lahore, according to law enforcement sources, with bombmaker Stephen Paul Paster.

The ATF had the Red House colony under surveillance for a couple of years before making last fall's arrests. After September 11, authorities decided to move without further delay. At a bond hearing for Vincente Pierre on September 28, 2001, ATF Special Agent Thomas P. Gallagher told the court: "Individuals from the organization are trained in Hancock, N.Y., and if they pass the training in Hancock, N.Y., are then sent to Pakistan for training in paramilitary and survivalist training by Mr. Gilani. . . . We have information from an informant that one individual [from Red House] did further his training by going to Afghanistan."

And apparently the travel isn't all one way. At the same hearing, Pierre testified that Red House has hosted "many Muslims . . . from Pakistan, Arabic." Pakistan, of course, isn't an Arab country, but plenty of Arabs have gone there to learn to use a gun.

There is no ironclad evidence that Fuqra's American members today are part of the international conspiracy that threatens us. Rather, the ties are circumstantial and suggestive. What should be made, for example, of the fact that several weekend residents of Fuqra's headquarters compound at Hancock work during the week as toll collectors at New York City bridges and tunnels—considering that the 1993 World Trade Center bombers had plans to blow up the George Washington Bridge and Hudson River tunnels? We also know that in the early 1990s Gilani's U.S. recruits signed an oath saying, "I shall always hear and obey, and whenever given the command, I shall readily fight for Allah's sake." At the least, it is clear that Daniel Pearl was digging into a very interesting story. ♦

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Arabian Fables (II)

More fanciful Arab myths to sway world opinion.

Earlier this year, we published our message, "Arabian Fables (I)," in which we made clear how the Arab propaganda machine creates myths and lies with which to misinform the world. We discussed the myths of the "Palestinians" and of the "West Bank" and the mythical concept of "occupied territories." In today's message, we shall address three more of these myths.

What are some of these myths?

Jerusalem ("Arab East Jerusalem"). The Arabs have assiduously propagated the myths that Jerusalem is an Arab capital, that (after Mecca and Medina) Jerusalem is their third holy city, and that it is intolerable to them that infidels (Jews) are in possession of it.

The reality of course is that Jerusalem was never an Arab capital and that it was, until the Jews revitalized it, a dusty provincial city that hardly played any economic, social, or political role. Jerusalem is mentioned hundreds of times in the Jewish Bible and has been the center of the Jewish faith and the focus of Jewish longing ever since the Romans destroyed the Temple in the early years of the first millenium. Not once is Jerusalem mentioned in the Koran.

As to "East Jerusalem": There is East Saint Louis, there is East Hampton, and there used to be East Berlin, but, until the Arab propaganda machine created the concept, there was never in history an "East Jerusalem," let alone an "Arab East Jerusalem."

The eastern part of Jerusalem is now predominantly inhabited by Arabs, though their proportion is decreasing. But what is the reason for this? It is because the Jordanians destroyed all traces of Jewish presence from the eastern part of the city and drove all the Jews out during the 19 years (between 1948 and 1967) in which they were in occupation of the eastern part of the city. The world, informed by Arab propaganda, considers those Jews who wish to return to the eastern part of the city to be troublemakers or worse.

The concept of Jerusalem being a holy Arab city and the capital of whatever political entity the "Palestinians" may eventually form is a myth and so of course is the concept of "Arab East Jerusalem."

"Settlements." When Jordan came into possession of Judea/Samaria and the eastern part of Jerusalem, following the invasion of the newly-formed Jewish state, and stayed in occupation for 19 years, it systematically obliterated all Jewish villages in the area under their occupation, drove out the Jewish inhabitants, and left the area "judenrein" (free of Jews) – the first time that concept had been applied since the Nazis created it during their short and bloody reign in Germany. When the Israelis recovered these territories, they rebuilt these villages, created new ones, and built new towns and suburbs to existing cities, especially Jerusalem.

The Arabs decided to call these towns and villages "settlements," with their connotation of illegitimacy and impermanence. The world, including the United States, is much agitated over these population centers and, goaded by the Arabs, declares them to be impediments to peace. What nonsense! Nobody considers the tens of thousands of Arabs who continue to stream to these territories as impediments to peace.

> "The Arab propaganda machine has created myths that have been accepted by much of the world. No peace in the Middle East is possible until those Arab myths have been exposed for what they are!"

The term "settlements," too, is a propaganda myth created by the Arabs.

"Refugees." In 1948, when six Arab armies invaded the Jewish state in order to destroy it on the very day of its birth, broadcasts by the advancing Arab armies appealed to the resident Arabs to leave their homes so as not to be in the way of the invaders. As soon as the "quick victory" was won, they could return to their homes and would also enjoy the loot from the Jews, who would have been driven into the sea. It didn't turn out quite that way. Those Arabs who, despite the urgings of the Jews to stay and to remain calm, foolishly left, became refugees. Those who decided not to yield to those blandishments are now, and have been for over 50 years, citizens of Israel, with all the same rights and privileges as their Jewish fellows.

But what happened to those refugees – by best estimates about 600,000 of them? Did their "Arab brethren" allow them to settle in their countries, to work, and to become productive citizens and useful members of their societies? No! They kept and still keep them, their children, their grandchildren, and in some cases even their great-grandchildren, in miserable "refugee camps," so that they can be used as political and military pawns in order to keep the burning hatred against Israel alive and in order to supply the manpower for the unremitting fight against Israel.

During those more than fifty years, Israel has taken in more than three million Jewish immigrants from all parts of the world and has integrated them productively into its society. According to the "Palestinians," the Arab "refugees" have now marvelously increased to five million(!). It is the intent and fervent desire of the Arabs that all of them should return to Israel so as to destroy the country without the necessity of war.

The "refugees" are a red herring and another myth created by the Arab propaganda machine.

The Arab propaganda machine, aided by the most high-powered public relations firms in the United States and all over, has created myths that, by dint of constant repetition, have been accepted as truth by much of the world. No sensible discussion, no peace in the Middle East, is possible until those Arab myths have been exposed for what they are.

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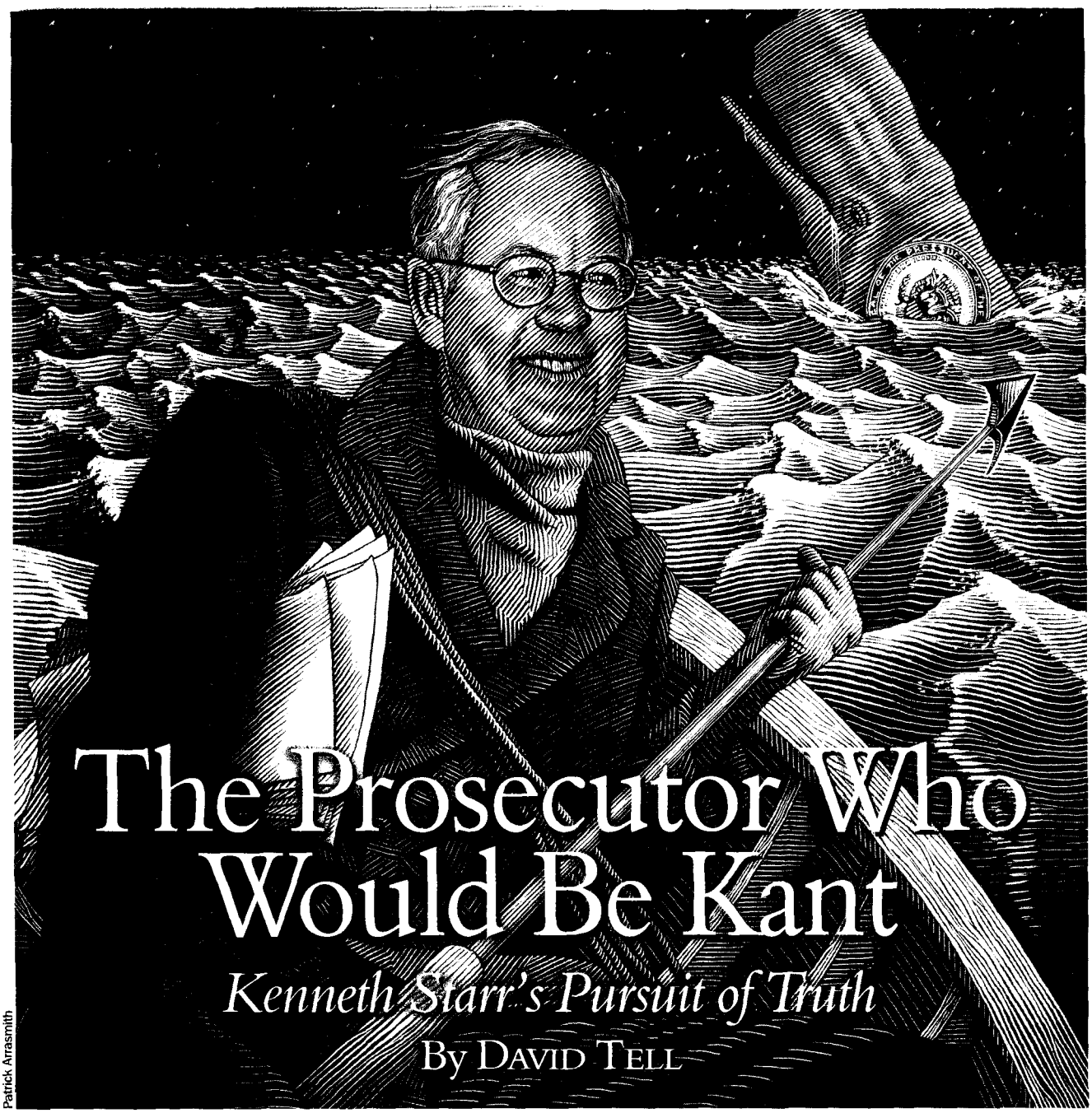

Patrick Arrasmith

The Prosecutor Who Would Be Kant

Kenneth Starr's Pursuit of Truth

By David Tell

Falsehood has never been popular, exactly, but there are those who admire it. If shadows on a cave wall are all most people can perceive of reality, Plato thought, then they should at least be deluded in the right direction: A stable social order depends on the skill with which wise rulers justify existing political arrangements to their less enlightened subjects; in such a project, Plato advised, "honesty is for the most part less profitable than dishonesty."

In more recent thought, the ethical force underlying Plato's argument has eroded—or been actively subverted. The truthfulness of a claim is irrelevant to its morality, Jeremy Bentham taught; what matters is only how the claim affects its audience. A few decades later, Friedrich Nietzsche—denouncing Bentham and other Utilitarians as "English flatheads"—would proclaim falsehood a positive virtue, superior to truth because lying "requires more spirit and *will*" to pull off. And today, more than a hundred years after Nietszche, most academic philosophy can't quite make up its mind whether such a thing as "truth" exists at all.

But Nietzsche's postmodern followers don't have much purchase in the world of daily affairs, and even Plato and Bentham seem a bit much to swallow whole. An entirely separate impulse of Western civilization continues to hold sway in the average American's moral imagination: an intense and persistent core of deontology—an ethics that judges words and deeds not by their practical results but by the extent to which they reflect a recognition and acceptance of duties. And one of those duties is invariably a duty to truth—which is something real, discernible, and good in its own right. Dishonesty is a sin, or the secular equivalent thereof. The only question is how intensely one is meant to despise it.

In the Christian tradition descended from St. Augustine, lying is never less

David Tell is opinion editor of The Weekly Standard.

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than wrong, although it may warrant pardon. In the high-Enlightenment rationalism of Immanuel Kant, on the other hand, lying is never less than wrong—and never pardonable, either. "Whoever tells a lie, however well intentioned he might be, must answer for the consequences, however unforeseeable they were, and pay the penalty for them even in a civil tribunal," Kant wrote in a famously uncompromising essay of 1797—denouncing even those falsehoods told to protect a friend from murder. Every lie "always harms another," he explained; "if not some other particular man, still it harms mankind generally, for it vitiates the source of law itself." Truthfulness "in all declarations, therefore, is a sacred and absolutely commanding decree of reason, limited by no expediency." Many of us would likely get off the boat before completing the journey from Augustine to Kant. But it is doubtless their sea and no other that we sail on. We do not teach our children to choose falsehood or honesty in equal measure—whichever seems required by shifting circumstance to achieve ends they deem desirable. Our bias, impelled by felt duty, is clearly for the truth.

Of course, certain questions remain: Which truths should be kept private? Which must be revealed, and to what extent, in the public square? At what point does public dissimulation exceed the bounds of public forgiveness? And, alternately, when does corrective public exposure become too much truth to bear? The answers are nowhere written down—or even much discussed at the level of general abstraction. And the news only rarely provides an arresting set of relevant specifics by which we may collectively test and clarify our intuitions.

But it does happen every so often. And it happened here in the United States four years ago, during the Monica Lewinsky scandal. For much of 1998, President Clinton and his White House aides and private attorneys lied to the country with great Nietzschean spirit and will. And once the lie was exposed, Clinton's most vocal civilian cheerleaders more or less applauded it as a noble lie, a pious fraud, something necessary to protect the higher moral excellencies of the president's political movement. The men to whom the president had lied were unethical, deranged by religious extremism, or otherwise committed to the destruction of the sacred Third Way, and thus did not deserve the truth.

Many ordinary citizens embraced this conceit in all its gnostic glory. Most, it seems safe to say, did not. A sizable majority of the country decided, instead, early in the Lewinsky controversy, that St. Augustine's prescription was enough: They would deplore Bill Clinton's falsehood and pardon him for it, too. And there the misfortune might have ended, with far less agony and upset, and none of that disgusting business about the cigar—but for Kenneth W. Starr. He had other ideas. He would be Immanuel Kant.

Starr
A Reassessment
by Benjamin Wittes
Yale University Press, 256 pp., $24.95

Final Report of the Independent Counsel Regarding Monica Lewinsky and Others
by Robert W. Ray
United States D.C. Circuit Court of Appeals, March 6, 2002

Starr has more than once insisted, and there is no reason to doubt him, that had the president's been only a private lie made public embarrassment, he would have thought it beneath notice. But the lie had been initiated in an official forum, a federal court, and had been seconded by Monica Lewinsky, in similar defiance of a formal oath, with the liar's full knowledge and approval. Felonies were at issue, in other words—serious crimes; as a prosecutor, Starr believed he could not ignore them. His job was to vindicate the law: the criminal code's provisions concerning perjury and obstruction of justice, the independent counsel statute that had authorized his investigation in the first place, and the corpus and meaning of American law generally. And doing so, at minimum, would require that Starr go after the evidence with a total and unflinching commitment. "My goal, above all, is to gather the facts," he has since told Benjamin Wittes in one of a series of interviews conducted during research for Wittes's new book *Starr: A Reassessment*. "I want the truth, and then along the way to be just and to be fair."

Wittes, an editorial writer at the *Washington Post*, thinks that what Ken Starr wants is wrong. "Placing fairness and justice in the service of truth," he writes, "precisely inverts the normal prosecutorial approach, which sees fact-gathering as a means of securing justice." Indeed, Starr's "reified notion of the truth" is something "more typically the province of journalists and historians." Worse, Starr's practical application of this notion during the late stages of the Whitewater investigation and throughout much of the Lewinsky episode—his willingness to employ the FBI and a grand jury in pursuit of a Kantian demand for perfect truth—produced "genuinely terrifying results." There was a "boundlessness and lack of perspective" on display in Starr's performance as independent counsel like none other in the history of that sad institution. By operating in a spirit "alien to the search for reasonable doubt" on which American criminal law is grounded, Ken Starr alone "ensured his failure."

Equally harsh judgments have been leveled against Starr before, of course. Unlike the others, however, Wittes's cannot be lightly dismissed. *Starr: A Reassessment* is a brilliant piece of work, really: simultaneously brief and wide in scope, accessible to the non-specialist and attentive to detail about some extraordinarily vexing statutory and constitutional questions. It is also the first systematic analysis of the events of 1998 to identify the essence of that battle correctly: a profound and irreconcilable conflict of vision over the proper place of truth in the constellation of American legal and political values. There is reason to believe—or perhaps "hope" is a better word for it—that Wittes has underestimated how much truth our judicial system demands from its officers. If so, he has overestimated his

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principal subject's intellectual and temperamental eccentricity. But either way, Benjamin Wittes has fashioned the only honest and formidable argument would-be defenders of Kenneth Starr have ever had to confront.

The book's most remarked-upon aspect will probably be the palpable indignation with which Wittes views all previous condemnations of the Lewinsky investigation and the impressive reservoir of sympathy he maintains for its leader, even as he is concluding that Starr "fundamentally misconceived" a professional responsibility of history-altering significance.

Both individually and collectively, Wittes writes, the many poisoned arrows loosed at Starr these past few years "deserve little patience and do not hold up under serious scrutiny." The suggestion that Starr was a sex-averse Puritan obsessive is "completely fanciful." Evidence that Starr's conduct of the independent counsel's office was animated by partisan hostility to Clinton is "incredibly thin." And there exists "quite simply, no evidence that Starr was acting in bad faith"—or at all unethically. To the contrary, Wittes sees Starr as a man of "earnest sincerity" working under "extreme pressures that made his job nearly impossible," a man whose only reward was the "truly vicious campaign of defamation the White House organized against him."

Celebrity journalist Jeffrey Toobin, in his wretched, clip-job bestseller about the Lewinsky scandal, *A Vast Conspiracy*, made bold to label Bill Clinton "the good guy." Benjamin Wittes calls Toobin's sound-bite analysis "perverse." The president, after all, "had committed crimes," suffered "a pathological allergy to telling the truth," and "consistently placed his own interest ahead of the public interest." No, Wittes insists: Kenneth Starr remains "the only plausible protagonist for the story of the Clinton wars."

How, then, this "protagonist" might also have been "obtuse," "maddening," and "entirely wrongheaded" must obviously be a matter of considerable complexity. It is difficult to provide an adequate summary of Wittes's book—or to

TIM ABBY / REUTERS

criticize it fairly—for the same reason it must have been wickedly difficult to write. The author is arguing that Starr's great mistake was an over-scrupulous concern to discover the "whole truth" of the allegations he'd been presented, a scrupulousness so exceeding the standard that prosecutors normally set for themselves as to defeat the basic purpose of American criminal law. Wittes is himself so scrupulous with the truth, however, that he obliges himself to qualify this argument at almost every turn. His effort to specify the precise moment at which Starr went off the rails is a case in point.

The first two years of Starr's Whitewater investigation were "traditional enough," Wittes allows, and the multiple-count felony verdicts the independent counsel's office secured against Arkansas governor Jim Guy Tucker and Jim and Susan McDougal in 1996 represented "prosecutorial accomplishment that was entirely justified and has, in retrospect, been significantly underappreciated." Had Starr pocketed these convictions and closed up shop in late 1997, "people would today see his investigation very differently." But Starr did not close up shop, because by then he had accumulated a large volume of circumstantial evidence implicating the president in criminal activity, and Susan McDougal was still withholding the grand jury testimony necessary to corroborate or rebut that evidence. Even after spending more than a year in jail for civil contempt of court, she would not talk. So Starr indicted her—again—for criminal contempt and obstruction of justice. In April 1999, a federal jury refused to convict.

Wittes thinks the second McDougal indictment, though "lawful and ethical," was "wholly out of proportion to the importance of the offense" and senseless, to boot: She was plainly determined never to cooperate, and she was already facing a lengthy prison sentence for the 1996 charges, so any new punishment imposed on her would have been purely symbolic. Starr's decision to go ahead with it anyway was a bellwether in his OIC tenure, according to Wittes: the first clear indication—this was May 1998—that our protagonist was having "deep trouble accepting that he would not learn the truth about the issues at the core of his jurisdiction," a malady that would thoroughly infect the remainder of the Lewinsky investigation, then four months old.

And yet, Wittes conscientiously discloses a variety of reasons one might have to dispute this hypothesis. The Kenneth Starr who could not let go in May 1998, he concedes, was the same Kenneth Starr who had *tried* to let go more than a year before, with an abortive attempt to resign as independent prosecutor and accept a deanship at Pepperdine University. Moreover, the jury that eventually rejected Starr's "wholly out of proportion" criminal contempt indictment of Susan McDougal may very well have wished to convict her, Wittes reports. Nine panelists had been firm on a guilty verdict, prosecutors later learned. But three dissidents had hijacked the jury room, refusing to consider the evidence and spouting partisan rhetoric about Starr's vendetta against the president.

I do not think Wittes much compromises the force or clarity of his argument by such candor, an admirable habit he maintains throughout the book. The world changed a very great deal in the fifteen months following the Pepperdine incident—Monica Lewinsky appeared, most pertinently— and it is no inconsistency for Wittes to suggest that Starr changed with it. And Wittes's

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interpretation of the McDougal contempt trial speaks directly to his central contention. Those three rebellious jurists, he suspects, were moved by "an instinctive understanding that the Starr investigation was no longer chiefly pursuing justice."

The key word here is "justice." Elsewhere in *Starr: A Reassessment* Wittes approvingly quotes U.S. district court Judge Gerald Lynch's description of the circumscribed, almost self-abnegating ambition he believes appropriate in a federal prosecutor. A prosecutor's goal is definitely *not* "the truth," the judge says. A prosecutor's goal is only to "decide whether an individual, at a particular moment in time, violated a very specific social norm without qualifying for any of a limited number of particular defenses, and subject to a standard of proof beyond a reasonable doubt."

Lynch's use of the oxymoronic elasticism "very specific social norm"—precisely where we might expect to see a nice, hard word like "law"—is pregnant with meaning. For there can be no serious doubt that Susan McDougal violated the law, just as there can be no serious doubt, as Wittes repeatedly affirms, that William Jefferson Clinton violated the law during the course of the Paula Jones litigation. Here the suggestion seems to be that there are certain circumstances, involving certain people unquestionably guilty of certain crimes, in which prosecution nevertheless just wouldn't *feel* right with respect to the prevailing "social norm." And thus a search for truth about the not-to-be-prosecuted criminal's misdeeds would be inconsistent with "justice."

This is not a principle to be mocked, necessarily. It is what we think while reading about Inspector Javert and the stolen loaf of bread in *Les Misérables*. It might even be applicable—though Wittes's equanimity in the face of jury nullification is a bit unsettling—to Susan McDougal's criminal contempt indictment.

But, before 1998, would anyone have thought to conduct such a theoretical exercise in the context of multiple, serial felonies committed by a president—the man in whom our Constitution vests a singular responsibility to "take Care that the Laws be faithfully executed"?

It was for such crises that the late, unlamented independent counsel statute was invented. Wittes's reading of that law, and his complaints against Ken Starr's conception of it, will not go down easy for anyone disturbed by the question I've just posed. Wittes begins by discussing all the many ways such an "opaque and badly thought out" statute, by its very "structure," fails to deter, even "subtly encourages," the Prosecutor Who Would Be Kant—enticing him to refashion his office into "a kind of truth commission." The independent

Mark Wilson / REUTERS

counsel is granted unlimited time and money to probe and ponder a single issue, inevitably a high-profile "scandal." He is placed under congressional oversight and directed to report annually on his progress. Should he ever trip across "substantial and credible information" that might warrant impeachment proceedings against an executive branch officer, the independent counsel is required to report that to Congress, as well. And at the conclusion of his investigation, the prosecutor is obliged to write a comprehensive account of his office's decisions.

These reporting provisions, in particular, would at first glance seem hopelessly incompatible with Benjamin Wittes's point of view. Any prosecutor called upon to explain himself will naturally want to do it well—will want to put as much "truth" as possible into his reports. All the more so if the report in question is an alert to Congress that it may wish to impeach somebody; no responsible official raises such a possibility casually. And, as Wittes acknowledges, if the prosecutor has been tasked to investigate the *president*, "for a specific crime he happened to be both guilty of and inclined not to confess," then a giant national uproar—"unless the prosecutor simply backed down"—becomes almost impossible to avoid.

But Wittes believes Ken Starr could and should have avoided a lot of it. Nothing in the independent counsel statute or its legislative history "explicitly describes any truth-seeking function," he notes. So Starr, an avowed and longtime critic of the statute's anomalous place in the constitutional balance of powers, should have been unusually sensitive to—and should have employed discretionary prerogative to mitigate—any unspoken truth-seeking incentive the law might have contained. Prosecutors prosecute; Congress impeaches; the twain should meet as little as possible.

Wittes is perfectly blunt about what he has in mind here. It would have been "prudential" and "healthiest," he writes, for Starr to invoke Section 595(c), the impeachment-referral clause of the independent counsel statute, at a "relatively low" evidentiary threshold and very close to the beginning of the Lewinsky drama.

The resulting, quickie report would have been empty of comment or evaluation and would have included only the barest information necessary to raise credible suspicion of serious presidential wrongdoing (no cigar, for example). Then it would have fallen to Congress to piece together the truth and figure out what to do about it.

Only Wittes does not suppose that Congress would have fully accepted this task. No elected politician "would ever have had the guts" to ask in public such crucial questions as Ken Starr's prosecutors asked in the court-enforced secrecy of the Lewinsky grand-jury chamber. The questions were too

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yucky, the president was too popular, and the scandal itself was widely loathed. Journalists might have asked the essential questions, but lacking subpoena power they would surely have been refused the answers. And to the extent that the matter had been aired at all on Capitol Hill, any criminal case Ken Starr might still have been contemplating would have been irretrievably spoiled. In other words: The truth of the president's perjuries would never have been revealed.

There is something a little surreal, of course, about drawing policy conclusions on the basis of historical information that—according to those conclusions—you really oughtn't have. The contradiction is highlighted to the point of absurdity in the final official report on the Monica Lewinsky investigation, released just this past week by current independent counsel Robert Ray. Ray has determined that evidence exists against Clinton "sufficient to obtain and sustain a conviction" for perjury and obstruction of justice. Ray has further determined that "a substantial federal interest would be served by the presentation of criminal charges."

Just the same, Ray has decided to drop the whole business, Clinton having already received "significant administrative sanctions for his actions." And, finally, Ray has decided to take what seems to be a pointed and gratuitous slap at his predecessor, Kenneth Starr. "If any one lesson is to be learned from this Office's experience," Ray offers, "it is that a prosecutor can serve only one function—to seek justice under the criminal law. He or she cannot be, and should not be tasked as, an independent arbiter of ultimate truth."

Except that Ray is able to preen like this and announce Clinton's guilt and munificently decline to try him for it only because Ken Starr *did* seek the "ultimate truth." Which proved the guilt, which forced the administrative sanctions, which ensure that "the nation's interests have been served." The confusion of means and ends here is truly remarkable. We are very much in the land of Jeremy Bentham.

Robert Ray is crude. But if the vastly more sophisticated and thoughtful Benjamin Wittes is correct about the ancillary status of truth in American law, then sophistication and thoughtfulness will not count for much the next time we confront felony allegations against a sitting president. We may not even have to bother resolving whether the allegations have factual merit. What will matter, first and foremost, is the sense we have in our gut: our sense about the president generally, and our sense whether his behavior, what little we know of it, is or isn't consistent with this morning's "social norm."

And Wittes may well be correct. For one thing, Robert Ray is not alone. They probably haven't reflected on the

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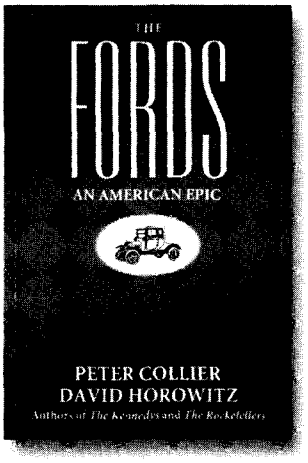

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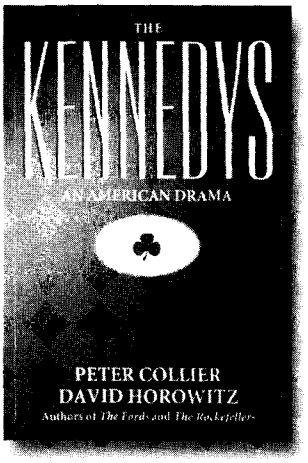

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issue even a fraction as hard as Wittes has, but a surprising number of well-known, respected prosecutors provide Wittes snappy quotations about their abject revulsion with Ken Starr's truth-centered cosmology. One of them calls Starr's a "bad—almost a crazy bad—reading of the law." Wittes does not waste time consulting any prominent members of the criminal defense bar, which spends most of its billable hours attempting to conceal the truth. Nor does he bother to cite mainstream scholarship in international comparative law, where most analyses of "truth in law" begin. On balance, that scholarship is friendly to Wittes's argument.

European countries operating in the civil-law tradition employ an "inquisitorial" model of criminal procedure. It is structured, all the way through trial and sentence, as an inquest into the guilt or innocence of identified suspects and defendants. Plea-bargaining is comparatively rare; prosecution is usually automatic for everything we would call a "felony." And a wide range of evidence is admissible; exclusionary rules have limited application. Moreover, parties to a criminal case do not control and present the evidence (except, to some extent, in Denmark and Sweden). Custody of the evidence, instead, rests with the judge—who not uncommonly may order the police to go fetch more of it until he is satisfied the record is thorough and dispositive. From a very early stage, the judge is dominant, and his mission unambiguous: Section 244(2) of Germany's criminal procedure code, for example, assigns jurists an explicit responsibility to uncover the truth.

Here in the United States, by contrast, we have transformed the English common-law jury trial, which in its fourteenth-century roots represented one of legal history's greatest empirical innovations, into a hyper-adversarial, process-saturated contest of interpretation between prosecution and defense. The parties nearly always bargain a case to conclusion well before full adjudication. If they cannot come to terms, they continue their struggle in court, which hears only that evidence the prosecution and defense wish to be heard, subject to a bewildering array of mandatory

Win McNamee / REUTERS

restrictions and objections. The judge is passive, largely mute. The jury, which is not allowed to ask questions or even take notes, does the best it can. At least on its face, American criminal procedure would appear to render truth, at best, an aspiration.

Whether this snapshot picture of our law and its many obvious truth-deflecting mechanisms bespeaks anything about fundamental principles is open to question, however. Many of those mechanisms did not exist one hundred or even fifty years ago. And the Supreme Court has never conceded that what now exists is a system in which "truth" and "justice" are distinguishable goals. It has said the opposite, many times. A grand-jury investigation "is not fully carried out until every available clue has been run down and all witnesses examined in every proper way to find if a crime has been committed." Evidentiary exclusions are permissible only to the extent they serve a "public good transcending the normally predominant principle of utilizing all rational means for ascertaining truth." And "the basic purpose of a trial is the determination of truth."

It might be objected that these are mere fillips, rhetorical tributes whose meaning does not extend to the nuts and bolts. But the Court has addressed the nuts and bolts of truth, as well—and fairly recently, with rather more elaboration and ardor than a merely rhetorical tribute would ordinarily evince. Writing for the Court in a little-noticed 1997 case called *Old Chief* v. *United States*, Justice David Souter explained that a diligent, faithful prosecutor will want to present his case so that it "not only satisfies the formal definition of an offense, but tells a colorful story with descriptive richness."

> Evidence thus has force beyond any linear scheme of reasoning, and as its pieces come together a narrative gains momentum, with power not only to support conclusions but to sustain the willingness of jurors to draw the inferences, whatever they may be, necessary to reach an honest verdict.... The evidentiary account of what a defendant has thought and done can accomplish what no set of abstract statements ever could, not just to prove a fact but to establish its human significance, and so to implicate the law's moral underpinnings and a juror's obligation to sit in judgment. Thus, the prosecution may fairly seek to place its evidence before the jurors, as much to tell a story of guiltiness as to support an inference of guilt, to convince the jurors that a guilty verdict would be morally reasonable as much as to point to the discrete elements of a defendant's legal guilt.

This does not sound like Judge Lynch's pinched and mechanical vision of the prosecutor's task. It sounds, instead, like a system of law that is at once alive, intelligent, hungry for nuance and subtlety, and expectant that it will receive an almost encyclopedic range of evidentiary assistance from the government's attorneys—not just so that the right button gets pushed, guilty or innocent, but so that "the people" arrive at truth, in all its necessary context. Immanuel Kant would be proud.

So perhaps Kenneth Starr isn't that eccentric, after all. And perhaps there exists one other small clue that the consensus of legal opinion hostile to Starr's brand of truth-centered justice might not be so complete as it appears: Benjamin Wittes's muscular and cogent criticism of Starr is an original one. In 1998, some of the world's smartest and best-paid lawyers hurled every argument and calumny they could think of against the poor man. But as I recall, not one of them thought—or dared—to say Starr cared too much about the truth. ♦

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Lucky Jim

James Watson's days after the double helix.

BY DAVID BERLINSKI

A doctorate from Indiana University in 1949, the Cavendish laboratories at Cambridge University, the discovery of DNA. Thereafter, immortality. James Watson has plainly come to regard his life as a sign of grace.

Genes, Girls, and Gamow
After the Double Helix
by James D. Watson
Knopf, 304 pp., $26

And with some reason, I suppose. Watson was twenty-three when in the early 1950s he joined Francis Crick in a scientific partnership. They proposed to discover the secret of life. The odds in their favor were not great. Biologists knew that in perpetuating themselves, living systems must squeeze their identity into what the physicist Erwin Schrödinger had called a code script. Deoxyribonucleic acid, or DNA, was plainly involved. Beyond this, experiments had revealed little and various theories nothing. Maurice Wilkins and Rosalind Franklin had for years studied DNA by means of X-ray crystallography, but it was slow, frustrating, and inconclusive work, rather like deducing the score of a symphony from its echoes in a concert hall. But the matter had come to occupy Linus Pauling, and as far as Watson and Crick were concerned, his presence on the scene was ominous. Pauling possessed an intelligence of almost supernatural vigor. He seemed eager to offer a revelation.

And yet there it was. The patient plodding researchers continued to plod patiently, consuming time but not covering distance; Pauling's infallible intuition failed him as he emerged noisily from the California Institute of Technology in 1951 with a bizarre triple helix in hand. Watson and Crick spotted the truth. DNA was a double helix, its two strands supported by chemical struts, adenine paired with thymine and guanine with cytosine. The molecule's structure at once revealed its secrets. DNA expressed a cryptogram and so contained a message, its four chemical constituents comprising an elementary alphabet. And it penetrated the future by unwinding itself and then separating, its halves recombining to form two double stranded helices where before there was only one.

This was all very elegant. The double helix electrified the emerging discipline of molecular biology. It electrified the world as well, Watson and Crick winning the 1962 Nobel Prize in medicine and physiology.

That they had made a discovery of great importance, no one disputed, least of all Watson. But the real story, he believed, had been pointlessly sanitized. And so, in 1968, he published a memoir of rectification under the title, *The Double Helix: A Personal Account of the Discovery of the Structure of DNA*. The book was a considerable success, the more so since Watson expressed with candor his conviction that scientific research is ruthless, unprincipled, and driven largely by an undignified scramble for fame. Watson's narrative supported his claim. Having appropriated Rosalind Franklin's research results because they were crucial, Watson admitted that he and Crick had denied her the appropriate credit because it was easy.

Watson's book amused the general public and outraged his colleagues, Crick denouncing it as something like "that found in the lower class of women's magazines." E.O. Wilson, the environmental biologist and Watson's colleague at Harvard in the 1960s, was moved to describe Watson as the most unpleasant human being he had ever met—the "Caligula of Science."

Blood dries quickly, Charles de Gaulle observed, and so does outrage. Watson's memoir came to be appreciated as an achievement in brashness. Scientists whom Watson had neglected personally to offend quickly reached the conclusion that in disciplines other than their own, scientific research was every bit as nasty as Watson had indicated. The book is now considered a classic.

Now, in *Genes, Girls, and Gamow*, Watson proposes to take up the story where *The Double Helix* ends. "For better or worse," he writes, "I and my friends were present at the birth of the DNA paradigm—by any standards one of the great moments in the history of science, if not of the human species. In this way we were unique players in a momentous drama. Thus there will be many readers wanting to know better what actually happened in our lives."

This is not so. Watson has been misinformed.

Every life is no doubt precious, but few are interesting. The days follow one another. There is the sound of someone snoring. It rains. Watson's first memoir described a quest, and the quest gave to his narrative its powerful effect of artistic compression. Something was ventured, and something gained. But his second memoir has plainly been compiled from diary notes. It reads as life moves. Watson travels from England to California and back again to England. He is always ill at ease and often maladroit. There are outstanding scientific problems to be solved, but Watson does not solve them. Long walks are taken, often on disagreeable mountain paths. The days accumulate.

Charm is occasionally a substitute for literary skill, but Watson lacks both, and he is inclined to offer candor as a substitute. It is a mistake. "Dick Feyn-

David Berlinski is the author of A Tour of the Calculus *and* The Advent of the Algorithm. *His most recent book is* Newton's Gift *(Free Press).*

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man and I sat next to each other," he writes, and "although we could not say it to others, we felt we might be Caltech's most obvious candidates for future Nobel awards."

A part of Watson's narrative is devoted to reviving the dead, a familiar if often fruitless pastime. George Gamow was an imaginative Russian physicist and a dabbler in molecular biology. Watson plainly loved the man and is devoted to his memory. Gamow enters variously into his memoir, performing card tricks or otherwise engaged in amiable trifles and then shambles off, a larger figure, one hopes, in real than in remembered life.

The burden of Watson's memories lies elsewhere. Now that he is old, Watson is eager to convey the extent to which his scientific achievements were a distraction from his search for pretty young women, a search that was never-ending because never successful. The enchanting young women are forever too busy to see Watson or, having seen him, too busy to see him again. Some depart for foreign ports with what seems a rare urgency. Others enter his life like quick sunbursts and then leave Watson dazzled but disappointed when they cover themselves in clouds.

The experiences that Watson recounts must have been painful to relive, which makes them painful to read. After almost half a century he is still suffering in retrospect the sentiments that only a young man can suffer when someone deeply loved tells him, no, honey, things are just not going to work out. In continuing to attend so earnestly to the ones that got away, Watson appears something of a schnook.

For ten years or so following his great triumph, Watson sought fitfully to enlarge its scope. Living systems divide naturally into two molecular classes. DNA involves command, control, and coordination, and is found in the cell's nucleus. But the proteins comprise the stuff of life, the basic building blocks of every living system. And they are for the most part located in the cell's cytoplasm, an arena in which countlessly many seething chemical activities take place.

Watson, c. 1962. Bettmann / CORBIS.

Whatever the message contained in DNA, it must somehow be conveyed to the proteins. The conveyance was in 1953 a mystery. Watson and Crick were thus in the position of an observer who can see that an architect's plans are being carried out, but cannot determine how his commands are communicated. Crick speculated that a sequence of intermediate molecules must link DNA with various emerging proteins. He was right. It is ribonucleic acid, or RNA, that acts as a second source of information within the cell, and, as the name suggests, RNA is single stranded, containing only one gently floating filament. If DNA is the master, RNA is its messenger, ferrying information from DNA and impressing it on the proteins.

Watson pursued a number of experiments with RNA. He thought diligently, although not obsessively. He exchanged letters with various eminences and visited their laboratories. But lightning did not strike twice. The lightning that missed him struck Crick instead. It struck him so many times, in fact, that he is now widely regarded as a one-man miracle. Watson, on the other hand, became a powerful scientific administrator, first at the Cold Spring Harbor Laboratory and, more recently, as the director of the Human Genome Project.

Still, there remains the great work. It is now fifty years since Watson and Crick initiated "the DNA paradigm," and Watson is understandably eager to claim that in discovering DNA he and Crick had really discovered the secret of life, just as they had hoped to do.

Once again, he is mistaken. Details have accumulated, but the secret remains a secret. DNA was introduced originally as a code script, and it has enjoyed successive incarnations as a blueprint, design, template, or computer program. The metaphors are helpful, but they are misleading as well. A molecule is sent into the future, and directly thereafter an organism appears, bouncing, energetic, and alive. The incredible discrepancy between the beginning and the end of this process suggests that something remarkable has taken place. A molecule is one thing, a living creature another. Molecular biology has traced the story from DNA to the various proteins. Thereafter a mystery begins as the proteins somehow organize themselves to form an organism. Metaphors all lapse just when they are most needed. A computer program cannot, after all, create a computer.

As so often happens in the sciences, molecular biology has resolved its mysteries by magical thinking. Whatever the process, it is DNA, according to official doctrine, that is still crucial, still in charge, an agency capable of achieving every biological effect. Evolutionary biologists now assign to the human genome full responsibility for altruism, date rape, aggression, eating disorders, and a taste for *Mansfield Park*. The truth is we do not know how the genome of any organism achieves any effect beyond the molecular. Although more powerful by far than astrology, molecular biology is not appreciably different in kind, the various celestial houses having about as much to do with human affairs as the various genes.

This is hardly a criticism of Watson and Crick's discovery, but it is a fact. Still, if DNA has been assigned magical properties, there is at least one respect in which the designation is merited. Whatever it may be doing in the real world, that elegant molecule bestowed on James Watson a form of immortality. ♦

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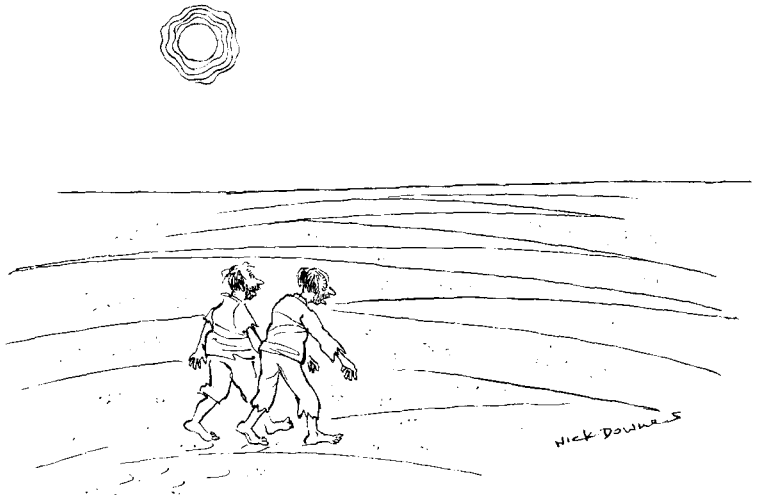

"I haven't seen this much empty space since I last saw a French film."

Who Now Reads Dickens?

Harvard's literature professor Henry Louis Gates Jr. has been much celebrated in recent weeks for his discovery, purchase, and plans to publish a 300-page handwritten manuscript called "The Bondswoman's Narrative by Hannah Crafts, a Fugitive Slave, recently Escaped from North Carolina," a novel—apparently written between 1853 and 1860—about a runaway slave who eventually becomes a teacher in New Jersey.

In "The Fugitive," his February *New Yorker* article describing the manuscript, Gates suggests that "there are a few points at which Hannah's story appears to coincide with historical fact." He mentions in particular a passage describing "winter in Washington with the vividness of someone who may have seen it for herself":

> Gloom everywhere. Gloom up the Potomac; where it rolls among meadows no longer green, and by splendid country seats. Gloom down the Potomac where it washes the sides of huge war-ships. Gloom on the marshes, the fields, and heights. Gloom settling steadily down over the sumptuous habitations of the rich, and creeping through the cellars of the poor. Gloom arresting the steps of chance office-seekers, and bewildering the heads of grave and reverend Senators; for with fog, and drizzle, and a sleety driving mist the night has come at least two hours before its time. [Punctuation added]

Oops. All it actually shows is the author of "The Bondswoman's Narrative" had read Dickens. The once-famous second paragraph of *Bleak House*—which was serialized in America in 1852 and pirated as a book in 1853—runs:

> Fog everywhere. Fog up the river, where it flows among green aits and meadows; fog down the river, where it rolls defiled among the tiers of shipping and the waterside pollutions of a great (and dirty) city. Fog on the Essex marshes, fog on the Kentish heights. Fog creeping into the cabooses of collier-brigs; fog lying out on the yards, and hovering in the rigging of great ships; fog drooping on the gunwales of barges and small boats. Fog in the eyes and throats of ancient Greenwich pensioners, wheezing by the firesides of their wards; fog in the stem and bowl of the afternoon pipe of the wrathful skipper, down in his close cabin; fog cruelly pinching the toes and fingers of his shivering little 'prentice boy on deck. Chance people on the bridges peeping over the parapets into a nether sky of fog, with fog all round them, as if they were up in a balloon, and hanging in the misty clouds.

In a recent online interview, Gates mentions that, after his article's publication, "an alert graduate student" informed him the novel contains "some striking similarities to passages in *Bleak House*." But the curious question is why he needed a graduate student to point it out to him. When did literature professors stop knowing Dickens?

When did *everyone* stop knowing Dickens, for that matter? Several newspapers reported this fall on the appearance in the *Archives of Disease in Childhood* of an article by a pediatrician named Patricia Brennan which announced—with all the breathlessness of a shocking new discovery—that Dickens's work contains many "classic categories" of parental abuse of children. "In terms of standards in Britain in the year 2001," Dr. Brennan informed her readers, "many of the childcare practices described in *Oliver Twist* constitute child abuse."

In any other context, Oxford University Press's publication this month of *The Letters of Charles Dickens: 1868-1870*, edited by Graham Storey and Margaret Brown, would be recognized as a major literary event. This is the twelfth and final volume in the "Pilgrim Edition" of the correspondence, completing at last the project begun with the publication of the first volume in 1965. Dickens is our first fully documented writer, the author of 14,252 known letters, and the portrait that emerges from these last letters is of a man filled with comic power and tragic feeling. A man as well known in his lifetime as any author has ever been but driven to the end to find even greater love from his audience. A man so popular he could do almost nothing to harm his popularity—and yet unable to stop himself from giving the public readings that were killing him.

He was, in fact, a man much like the Dickens we all knew, back in the days when we remembered what *Bleak House* and *Oliver Twist* were about.

—*J. Bottum*

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Parody

MISSILE DEFENSES

THE NEW YORK TIMES **NATIONAL** *MONDAY, MARCH 8, 2004*

ABC News Recruits Spears

Continued From Page A1

terman, dropped from the line-up after only two years at ABC, disputed the claim that his humor was formulaic, stale and overrated. "It's . . . heh-heh-heh-heh," he explained. "Heh-heh-heh-heh. . . . No, seriously, folks . . . heh-heh-heh-heh . . ."

Spears's show will air in Letterman's old time slot. "Dave has offered ABC viewers real substance for the last two years, no question," said Disney head Michael Eisner. "But we've been losing audience to 'Mariah Carey's Washington' ever since he signed. Britney deserves a shot."

In a related dispute, David Westin reiterated his claim that he had not been consulted by Eisner. "I have only known since last Wednesday that Letterman has been working for this network for the past few years," Westin said. "And the allegation that I don't know who Tiffany Spears is is a slander."

Ted Koppel, whose CNN show "You're An Idiot! — No, You're an Idiot! — No, You're An Idiot!" continues to draw high ratings, sees Letterman's downfall as part of an ongoing trend. "Rush

Associated Press

lar weapons systems, but would focus on improving pay, health care and housing for those in uniform. He also said he would try to modernize the Pentagon's purchasing practices and push for another round of base closings to save money.

Mr. Levin also energetically endorsed the role played by American troops in peacekeeping operations in the Balkans and in Sinai. Mr. Bush and Defense Secretary Donald H. Rumsfeld have questioned the peace-

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government responsible for failing to produce thousands of pages of evidence at his trial.

He is scheduled to die by lethal injection at the federal penitentiary here on June 11.

The lawyers, citing 4,449 pages of newly discovered F.B.I. documents they have received in recent days, also asked the judge, Richard P. Matsch, for a hearing to determine how and why the evidence was withheld and whether other exculpatory evidence was still being withheld. In papers filed today, they said they

of Houston, who held a news conference after meeting with Mr. McVeigh at the federal penitentiary here, filed their brief under seal in the federal court in Denver this afternoon. The brief included 300 pages of exhibits, including an F.B.I. interview report that the lawyers said they had received yesterday, after its author, Ricardo Ojeda, a former F.B.I. special agent, appeared on television saying he believed that possibly exculpatory evidence he had obtained was withheld from the defense.

Mr. McVeigh, who gave up his appeals last December, is seeking the stay because he wants "to promote integrity in the criminal justice system," Mr. Nigh said, adding that

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Failed Energy Plan Catches Up to New York

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The Fall of Saddam

Robert Zelnick is a research fellow at the Hoover Institution and acting director of the Department of Journalism at Boston University.

On the day Saddam Hussein falls, there will be dancing in the streets of Baghdad. The country will not implode. Military analysts will ponder a victory that was less costly than many projected. States such as Syria and Iran will proclaim their aversion to terrorism. NATO will forget its early opposition.

Now, during the prebattle period, naysayers are having their day. Why Iraq? It is no worse than others on the "axis of evil." After all, Iran has longer-range missiles and sells more weapons. North Korea may already be nuclear.

They caution against, in Al Gore's words, "wishful thinking based on best-case scenarios." **Iraq is tougher than the Taliban;** the Iraqi National Congress is no Northern Alliance.

And they note international concern. The Saudis have an excess of caution, and the Turks, an excess of Kurds. Impoverished Moscow and wealthy France see billions in unpaid Iraqi debt. Other European friends resent seeing their military irrelevance displayed.

For all its malfeasance, however, Iran is a society where political evolution seems plausible. North Korea plays a reckless game fueled by the paranoia of its leadership. But it has no external designs, and past conduct suggests a willingness to rein in its most troublesome programs, for a price.

Saddam's Iraq is in a class by itself. It has launched two wars against neighboring states and fired Scud missiles against a third. Saddam attempted to kill a former U.S. president and routinely violates "no-fly zones" established to limit his ability to annihilate his own people. Iraq has used chemical weapons on the battlefield and to quash domestic unrest. Saddam maintained a covert nuclear program and sought to develop biological weapons, harassing United Nation inspectors sent to enforce the ban. The compelling insight embraced by the decision to dislodge Saddam is that **the war against terrorism cannot be won if the war against weapons of mass destruction is lost.**

Before the Persian Gulf War, military experts exaggerated Iraqi military power. In the event, Saddam's "battle-hardened" divisions were depleted by desertion, their morale shattered by indiscipline and American bombs. Save for a lucky Scud missile that crashed into military barracks in Dhahran, the United States lost more troops to "friendly fire" than to Iraqi guns.

Today Iraq's army is even smaller, less well equipped, and less prepared than it was before the Persian Gulf War. And the U.S. advantage in highly accurate weapons—formidable then—is now overwhelming.

Nor should the comfort of friends like Saudi Arabia be controlling. Their tolerance of the antics of Osama bin Laden and other terrorists operating against anyone save the royal family has been well reported, as has the vitriolic brand of Islam taught in Saudi-financed schools. Turkey has some legitimate concerns, but they will fade if Kurdish nationalism is held in check.

As to NATO, its focus is Europe. Elsewhere, differences are common. We broke with our British and French friends over the 1956 Sinai campaign. There were differences too over Vietnam, and today, over Israel. But at the end of the day, NATO members too will cheer the fall of Saddam and relish the reduced threat his demise will signal.

— Robert Zelnick

Paid for by the Hoover Institution, Stanford University.

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A world of ideas on public policy.

Pharmaceutical Profits and the Discovery of New Medicines

by F. M. Scherer

Since the late 1950s, when the Kefauver Committee investigated the business practices of U.S. pharmaceutical companies, representatives of that sector have argued that its profits are an important stimulus to, and source of funding for, research and development – which in turn leads to a stream of health-enhancing new products. Although the argument is plausible on its face, quantitative evidence on the robustness of the linkage has been scarce. This article reports the results of a recent data analysis that yields surprising new insights on the connection between pharmaceutical profits and innovation.

Profitability and investments in R&D can, in principle, be linked in three rather different ways. First, successful R&D leads, with long and variable lags, to new products, which, depending upon their reception in the market, can add greatly to company profits. Second, the profits earned by a company serve as a source of funds to support R&D investment, and some managers are known to set R&D budgets using rules of thumb emphasizing an indicator of current cash flow or sales. Third, managers' expectations of future profit opportunities can exert a demand-pull influence on R&D investment.

In a recent study, I analyzed R&D outlays and profits at the aggregated industry level, using U.S. Census Bureau data on pharmaceutical manufacturing plants' gross margins – i.e., the surplus of revenues over in-plant production costs available to cover R&D costs along with depreciation, marketing costs, central office costs, debt service costs, income taxes, and net profits.

The growth rate of the pharmaceutical sector's deflated gross margins was 4.23 percent per year – much lower than the 7.51 percent growth rate found for R&D outlays. The disparity of growth rates implies a likely slackening of R&D growth rates in the future. If R&D were covered solely by domestic gross margins, continuation of growth trends experienced since 1962 would mean that R&D outlays would exceed gross margins in 2025. To be sure, profits from overseas sales also help to repay R&D costs, but since the United States is the largest single market for U.S. drug companies' products, retardation of R&D growth rates seems likely in the long run.

> ***The degree of coincidence between gross profits and R&D investment over the past forty years is surprisingly close***

Both R&D investment and the pharmaceutical sector's gross margins exhibit long swings around their exponential time trend. But the degree of coincidence between gross profits and R&D investment over the past forty years is surprisingly close. The association becomes clear when one computes the percentage deviations of actual R&D outlays and gross margins from their trends and juxtaposes the resulting series. This comparison shows that deviations from trend values rise and fall in tandem, confirming the persistence of a robust pattern between R&D investment and gross industry profitability. The swings are so closely correlated that it would be implausible to infer a chain of causation running from R&D to profits, since lags of ten to fifteen years from peak R&D spending to peak profitability for new products are typical.

Sensitivity tests revealed that these patterns persist when domestic R&D outlays, a time series available beginning only in 1970, are substituted for worldwide R&D outlays, and when fringe benefit outlays, reported by the Census Bureau beginning only in 1967, are not deducted in calculating gross margins.

Combined with evidence that profit rates on return on R&D investments tend to exceed risk-adjusted capital costs by only modest amounts, the pattern suggests that pharmaceutical R&D is best described by a virtuous rent-seeking model. That is, as profit opportunities expand, firms compete to exploit them by increasing investments, primarily in R&D, until the increases in costs dissipate most, if not all, supranormal profit returns.

If this is a correct interpretation of drug companies' behavior, it has obvious implications for policy interventions aimed at reducing the pharmaceutical sector's prices and profits. If governments attempt to limit public healthcare spending by imposing price controls on the pharmaceutical sector and suppressing its profitability, they risk undermining the ability of drug companies to fund the lengthy and difficult process of discovering and developing new medicines.

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